



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · UKIAH · CALIFORNIA · 95437

IGNACIO GONZALEZ, INTERIM DIRECTOR
JULIA KROG, ASSISTANT DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

September 16, 2021

TO: Independent Coast Observer, Fort Bragg Advocate, and Ukiah Daily Journal
FROM: James Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice

Please publish the following notice at least 1/8 page size, one time on **September 23, 2021** in the Legal Notices Section of the Fort Bragg Advocate News and Ukiah Daily Journal and one time on **September 24, 2021** in the Legal Notices Section of the Independent Coast Observer.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, October 7, 2021, at 9:00 a.m., or as soon thereafter as the item may be heard, will conduct a public hearing on the following Local Coastal Program Amendment. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: OA_2018-0009/GP_2018-0003

DATE FILED: 12/31/2018

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES

REQUEST/SUMMARY: Review and consider a recommendation to the Board of Supervisors on proposed adoption of amendments to the Mendocino County Local Coastal Program Land Use Plan (General Plan Coastal Element) and Implementation Program (Coastal Zoning Code) to regulate development of Accessory Dwelling Units in the Coastal Zone.

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Public Resources Code section 21080.17

LOCATION: Within the unincorporated areas of Mendocino County located inside the Coastal Zone boundary (Mendocino County Code, Title 20, Division II), excluding the Town of Mendocino (Mendocino County Code, Title 20, Division III).

SUPERVISORIAL DISTRICT: 4 & 5

STAFF PLANNER: JULIA KROG

The staff report, notice, draft resolution, and draft ordinance will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services Website at:

www.mendocinocounty.org/government/planning-building-services/planning-commission.

Your comments regarding the above project are invited. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by October 6, 2021, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors action is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

NASH GONZALEZ, Interim Director of Planning and Building Services



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IGNACIO "NASH" GONZALEZ, AICP INTERIM DIRECTOR
JULIA KROG, ASSISTANT DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: OCTOBER 7, 2021

TO: PLANNING COMMISSION

FROM: JULIA KROG; ASSISTANT DIRECTOR, PLANNING & BUILDING SERVICES
LINDA RUFFING; PLANNING CONSULTANT

SUBJECT: LOCAL COASTAL PROGRAM AMENDMENT TO ALLOW ACCESSORY DWELLING
UNITS IN THE COASTAL ZONE
GP_2018-0003 (COASTAL ELEMENT OF GENERAL PLAN)
OA_2018-0009 (TITLE 20, DIVISION II, COASTAL ZONING CODE)

OVERVIEW

In 1985, the Mendocino County Board of Supervisors adopted a Local Coastal Program (LCP) Land Use Plan (Coastal Element of the General Plan) which was subsequently certified by the California Coastal Commission. In 1991, the Board adopted an Implementation Program for the LCP (Division II of Title 20 of Mendocino County Code) which also was certified by the Coastal Commission. When certifying Mendocino County's LCP, the Coastal Commission specifically prohibited the development of accessory dwelling units (ADUs) in the coastal zone due to the limited capacity of State Route 1 and the requirement that State Route 1 remain a scenic two-lane road in rural Mendocino County per Coastal Act Section 30254. (Note: The Mendocino Town Plan and Gualala Town Plan both allow ADUs within their respective planning areas.)

Over the past several years, the California legislature has passed a number of bills intended to remove barriers to development of ADUs with the goal of increasing the availability of affordable rental housing throughout the state. These bills are codified in California Government Code Section 65852.2, et seq. Gov't. Code Section 65852.2(j) specifies that:

"Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units."

Thus, the process of establishing an ordinance to regulate ADUs within the coastal zone requires a thoughtful balancing of the mandates of the State's ADU legislation with the coastal resource protections of the Coastal Act and establishment of coastal permitting procedures that do not include a public hearing.

On July 18, 2019, the Planning Commission conducted a public hearing and reviewed draft amendments to the General Plan Coastal Element (GP_2018-0003) and to the Coastal Zoning Code (OA_2018-0009) which would modify Mendocino County's LCP to establish regulations for ADUs in the coastal zone outside of the Town of Mendocino. The Planning Commission adopted a resolution formally recommending to the Board of Supervisors that the LCP amendment be submitted to the Coastal Commission for certification. On November 5, 2019, the Board of Supervisors adopted Resolution No. 19-378 authorizing submittal of an LCP amendment application to the Coastal Commission.

The LCP amendment application was submitted to the Coastal Commission on March 16, 2020 (LCP-1-MEN-20-0021-1). Commission staff accepted the application for filing and requested supplemental information

(Attachment 1). In response, the County submitted additional analysis and documentation to address the stated concerns about protection of agricultural and timber resources, traffic capacity on State Route 1, adequacy of water and sewer services, protection of environmentally sensitive habitat areas, consistency with recent amendments to State ADU laws, and the Commission's environmental review obligations. Included in the County's submittals were a number of "friendly modifications" to the LCP Amendment that were requested by the County to provide clarification, correct inconsistencies, and address new ADU laws that took effect after the Board's action on the application.

Commission staff deemed the LCP amendment application to be complete on November 17, 2020. On February 12, 2021, the Coastal Commission granted itself a one-year extension to the 90-day time limit for Coastal Commission action on the proposed LCP amendment. On June 9, 2021, the Board of Supervisors received a report from County staff regarding the draft "suggested modifications" recommended by Coastal Commission staff. On September 9, 2021, the Coastal Commission certified the County's LCP amendment with suggested modifications that include the friendly modifications requested by the County and Commission staff's suggested modifications to ensure consistency with the Coastal Act.

The LCP amendment, consisting of GP_2018-0003 and OA_2018-0009, has been revised to include the suggested modifications per the Coastal Commission's certification and is now brought forward to the Planning Commission for a formal recommendation to the Board of Supervisors. Board action is required to adopt the Land Use Plan amendments (GP_2018-0003) and the Implementation Program amendments (OA_2018-0009).

Attachment 2 presents proposed amendments to Land Use Plan to address ADUs. GP_2018-0003 amends Chapters 3.2, 3.3, and 3.9 of the Coastal Element of the Mendocino County General Plan.

Attachment 3 presents proposed amendments to the Implementation Program to remove the prohibition on ADUs and establish regulations for development of ADUs and JADUs in the coastal zone. OA_2018-0009 amends Mendocino County Code, Title 20, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544.

Attachment 4 is a draft Planning Commission resolution providing a formal written recommendation to the Board of Supervisors supporting adoption of GP_2018-0003 and OA_2018-0009.

At this stage of the process, any substantive modifications to the LCP amendment and the Coastal Commission's suggested modifications, as shown in Attachment 2 and Attachment 3, would require resubmittal of an LCP amendment application to the Coastal Commission.

AMENDMENTS TO LAND USE PLAN POLICIES (GP_2018-0003)

To comply with the mandates of State ADU laws, three policies in the LUP which state that "one housing unit" shall be permitted on each parcel must be amended. As shown in Attachment 2, the LUP amendment adds the following statement to Policies 3.2-1, 3.3-5 and 3.9-1:

Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II).

The Coastal Commission's suggested modifications include language in Policies 3.2-1 and 3.3-5 indicating that, on agricultural lands or timberlands:

Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

For Policy 3.9-1, the Coastal Commission's suggested modifications include language referencing the caps on the number of ADUs (500 units in the coastal zone outside of the Gualala Town Plan area; 100 ADUs within

the Gualala Town Plan area) and the requirement for an LCP amendment in order to remove or modify those caps.

AMENDMENTS TO IMPLEMENTATION PROGRAM REGULATIONS (OA_2018-0009)

The following summary provides a brief overview of the Coastal Commission's suggested modifications to the proposed ADU regulations in the Coastal Zoning Code, as shown in Attachment 3.

Definitions

Modifications to the definitions primarily provide clarifications, update cross-references and address ADU legislation that took effect on January 1, 2020. For brevity, the County requested a modification to refer to ADUs and JADUs by their acronyms throughout the ordinance. In addition, a definition was added for "legally authorized residential structure," a new term that is referenced in other sections of the ordinance.

Cap on Number of ADUs

In Section 20.458.010, the Commission added language to clarify that, prior to an LCP amendment to modify the cap on ADUs in the Gualala Town Plan area, an analysis of water and sewer capacity will be required, as well as an analysis of traffic capacity on State Route 1.

Standards for ADUs and JADUs

As shown in Attachment 3, the LCP amendment includes new Sections 20.458.015, 20.458.020, 20.458.025, 20.458.030, 20.458.035 and 20.458.040 which establish general and specific standards for ADUs and JADUs. Substantive modifications to these sections include revisions necessary to conform the standards to updated State ADU legislation and the following modifications required by the Coastal Commission:

- Section 20.458.020(A) clarifies that a certificate of occupancy for an ADU may not be issued before the certificate of occupancy for the primary dwelling.
- Section 20.458.020(F)(1) requires that, on properties with an ADU or JADU, none of the dwelling units may be used for transient habitation. The County's LCP amendment application had only prohibited use of the ADU and/or JADU for transient habitation. The County Board of Supervisors reviewed this modification on June 9, 2021 and expressed support for the change.
- Section 20.458.020(F)(2) clarifies that, for ADUs and JADUs that are located within 125 feet of a coastal bluff, the deed restriction identifying the prohibition on use of ADUs, JADUs and dwellings for transient occupation shall also include the Commission's required prohibition on shoreline protective devices.
- Sections 20.458.040(B) and (C) are modified to clarify that JADUs that require CDPs and which result in additional bedrooms are subject to review of water and sewage disposal availability by the Division of Environmental Health. The Commission also deleted references to the County's guidelines for conducting such evaluations rather than incorporate those guidelines into the certified LCP.

Coastal Resource Protections

Section 20.458.045 establishes objective standards for ADUs and JADUs to ensure protection of coastal resources in accordance with LCP and Coastal Act policies. Substantive modifications required by the Coastal Commission include the following:

- Throughout Section 20.458.045, references to allowing exceptions to the objective standards "through the administrative or standard coastal development permit process" were changed to strike "or standard". This is consistent with required modifications to Section 20.532.015 that

establish an administrative coastal permit process for ADUs and JADUs that will allow for the exercise of discretionary judgment without the requirement for a public hearing.

- Section 20.458.045(C) was modified to require that ministerially-approved ADUs in Highly Scenic Areas must be "permanently and entirely blocked from view" and to establish design standards for ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint.
- Section 20.458.045(E) was modified to require that detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) be setback no more than 100 feet from the existing or proposed legally-authorized primary residence and that they utilize an existing driveway. The modifications exempt from the clustering requirement ADUs that are established in "a legally-authorized residential structure existing as of the effective date of the ordinance." Ancillary development to support ADUs and JADUs is also required to be clustered.

Permit Requirements for ADUs

Modifications to Sections 20.532.015(A) and 20.536.005 are proposed to establish procedures for obtaining an administrative CDP in instances where an applicant requests an exception to the objective standards established in Section 20.458.045. The modifications clarify that ADUs and JADUs that are appealable to the Coastal Commission may utilize the administrative CDP process and that administrative CDPs for ADUs and/or JADUs are not appealable to the Board of Supervisors.

Section 20.532.055 is modified to provide clarifications regarding the 60-day time period for acting on a ministerial or administrative CDP for an ADU and/or JADU. The section now also includes "Failure to act" provisions based on language that was agreed upon by the County and Coastal Commission in a recent amendment of the Zoning Code for the Town of Mendocino.

NEXT STEPS

The remaining process for approval of the LCP amendment for ADUs and JADUs includes the following steps:

- 1) The Planning Commission will conduct a public hearing, review the LCP amendment, and make a recommendation by resolution to the Board of Supervisors.
- 2) The Board of Supervisors will receive the Planning Commission's recommendation, conduct a public hearing, take action by resolution on the General Plan amendment and take action by ordinance on the Zoning Code amendment. The Board is tentatively scheduled to conduct a public hearing and consider action on the LCP amendment on November 9, 2021. Adoption of Ordinance OA_2018-0009 requires a two-step process whereby the ordinance would be introduced at one meeting and adopted at a subsequent meeting.
- 3) Lastly, the Executive Director of the Coastal Commission will "sign off" on whether the final actions taken by the Board of Supervisors are consistent with the Coastal Commission's certification of the LCP amendment and report his findings to the Coastal Commission.

A reasonable projection is that these steps will be completed and the new ADU regulations for the coastal zone will be in full force and effect in February 2022.

CEQA DETERMINATION

Pursuant to CEQA Guidelines Section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions Sections 65852.1 and 65852.2 of the Government Code" is statutorily exempt from CEQA, based on Public Resources Code Section 21080.17.

GENERAL PLAN CONSISTENCY ANALYSIS

The Housing Element of the General Plan contains the following policies related to ADUs:

- Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
- Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
- Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- Policy 3.2 - Promote the development of ADUs.
- Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.

Staff recommends that the proposed LCP amendment is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element. The LCP amendment aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

RECOMMENDED MOTION FOR THE PLANNING COMMISSION

Adopt resolution making the Planning Commission's report and recommendation to the Board of Supervisors on a proposed amendment to the Coastal Element of the Mendocino County General Plan (Policies 3.2-1, 3.3-5, and 3.9-1) and a proposed amendment to the Coastal Zoning Code (Title 20 – Division II of the Mendocino County Code, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536 and 20.544), finding that the actions are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17.

ATTACHMENTS

1. March 30, 2020 Coastal Commission filing letter
2. Proposed GP_2018-0003 (redline)
3. Proposed OA_2018-0009 (redline)
4. Resolution of the Planning Commission

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



March 30, 2020

County of Mendocino
Attn: Julia Acker Krog, Chief Planner
860 N Bush Street
Ukiah, CA 95482

RE: Application for Local Coastal Program (LCP) Amendment LCP-1-MEN-20-0021-1 (received by email 3/16/20) to amend the Mendocino County Local Coastal Program (LCP) regarding accessory dwelling units and junior accessory dwelling units in the coastal zone outside of the Town of Mendocino.

Dear Ms. Acker Krog:

Thank you for the County staff's transmittal for Commission certification of the above-referenced amendment to Mendocino County's LCP regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The amendment application transmittal was received by our North Coast District Office via email March 16, 2020, with a hard copy received by regular mail March 19, 2020.

Commission staff coordinated closely with County staff during the development of this amendment beginning in November 2018, and submitted a detailed comment letter on the draft amendment in June 2019 ahead of the July 2019 Planning Commission hearing. We commend County staff for working to address many of Commission staff's concerns, with this early coordination resulting in a significant narrowing of issues of conformance with the Coastal Act and certified LCP that might otherwise have needed to be addressed during the Commission's hearings on certification of the proposed amendment. Although the issues have been significantly narrowed, the County's March 2020 application transmittal lacks information necessary to complete the application in conformance with Public Resources Code¹ §30510 (and associated implementing regulations 14 CCR §13551 et seq.) and assist us in preparing a recommendation for the Commission, including information that Commission staff originally requested in our June 2019 comment letter.

We understand that the County (like the rest of the state) is facing a housing crisis and is eager to have this amendment certified in order to facilitate increased housing production in the coastal zone. We are committed to moving this LCP amendment forward as quickly as possible, but in order to do so, we need the County staff to be forthcoming with requested information. If the County does not understand what we are asking for or is struggling with any responses, please feel free to call or email Cristin Kenyon of our staff for assistance.

¹ Hereafter "Coastal Act" refers to Division 20 of the California Public Resources Code.

Coastal Act and LCP Consistency

The subject amendment includes proposed changes to both the land use plan (LUP) and implementation program (IP) portions of the County’s certified LCP. Pursuant to Coastal Act §30512(c), to certify a proposed LUP amendment, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act §30513, to certify a proposed IP amendment, the Commission must find that the IP as amended conforms with and is adequate to carry out the provisions of the certified LUP. The following requested information is necessary to allow the Commission to make necessary consistency findings with the certified LUP and Coastal Act and to fulfill the Commission’s CEQA obligations for review of the proposed amendment.²

A. AGRICULTURAL AND TIMBER RESOURCES

The proposed amendment would permit ADUs and JADUs in all zoning districts which allow single-family dwellings, including on parcels zoned AG (Agricultural), RL (Range Lands), FL (Forest Lands), and TPZ (Timberland Protection). Coastal Act §§30241-2 are intended to maintain land in agricultural production and protect the viability of agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. These policies, implemented through LUP Policies 3.2-4, 3.2-5 and 3.2-16 (among other policies and standards of the certified LCP), strictly limit the circumstances under which agricultural land can be converted to non-agricultural land uses. As for timber resources, Coastal Act §30243 requires that the long-term productivity of soils and timberlands be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size be limited to providing for necessary timber processing and related facilities. The County’s certified LCP carries out these provisions by prohibiting conversion of timberland to incompatible uses, avoiding timberlands soils in housing development, and requiring findings for the approval of development on timberlands to demonstrate that proposed uses are compatible with growing and harvesting timber and the protection of timber resource lands (see certified LUP Chapter 2.2 and Policies 3.3-3 and 3.3-5). Please address the following requests related to the protection of agriculture and timberlands:

1. Clustering requirement: To protect agricultural and timber resources, the proposed amendment allows detached ADUs on parcels zoned AG, RL, FL, or TPZ if located within 150 feet of existing legally-authorized structures. Commission staff supports a requirement to cluster ADUs with existing structures to potentially avoid or minimize loss of land available for agriculture or commercial timber harvests, but questions whether 150 feet is too great a distance and whether new detached ADUs should only be clustered with other residential structures (rather than any other structures). Therefore, please provide the County’s reasoning for the proposed 150-foot

² The Secretary for Natural Resources has certified the Commission’s LCP program as “functionally equivalent” under CEQA. Thus, the LCP amendment application submittal must include sufficient environmental information for the Commission to make findings that the substantive requirements of CEQA are complied with. These findings include identification of all potentially significant environmental impacts and consideration of mitigation measures and project alternatives to avoid or minimize those impacts.

maximum distance and allowance for clustering with non-residential structures (i.e., why a smaller maximum clustering distance and/or a restriction to only cluster with other residential structures is not necessary to ensure protection of agricultural and timber resources). As part of your response, please clarify whether any alternative clustering distances were considered, including (1) the alternative of a smaller maximum clustering distance more commensurate with setbacks typically found in residential neighborhoods between houses and ADUs; and (2) the alternative of only allowing attached ADUs.

2. Existing County agriculture: To evaluate the impact of the proposed amendment on the agricultural resources of the County's coastal zone, we need a better understanding of the current state of the agricultural economy and the use of AG and RL lands in the County's coastal zone. Please provide any available information summarizing: (1) the major/main agricultural crops, activities, and centers in the County's coastal zone; (2) the number of acres, number of parcels, and/or relative amount of AG and RL property/land in the County's coastal zone under Williamson Act contracts and/or supporting active agricultural operations; and (3) the extent that AG and RL lands in the County's coastal zone are being used for rural residences, vacation home rentals, and/or other non-agricultural uses that are not supporting active agricultural operations. To the extent that AG and RL lands are not being used for agriculture (vacant or used only for purposes other than commercial agriculture), please provide any information summarizing why this may be the case (e.g., competition with rural residential development, high property values, suitability of lands for agriculture, parcel size, remoteness of the coastal zone from agricultural markets, etc.).
3. Prime lands and soils: Proposed Mendocino County Coastal Zoning Code (CZC) §20.458.045(E)(2) limits ministerial coastal development permits (CDPs) for ADUs to non-prime soils. To help evaluate the implications of this limit, please provide any available mapping or other information on the extent, location, and relative proportion of prime and non-prime agricultural lands and/or soils within the County's coastal zone. Please also clarify how County staff will determine whether soil is prime for the purposes of implementing proposed CZC §20.458.045(E)(2). Finally, please explain why proposed CZC §20.458.045(E)(2) focuses on prime soils rather than prime agricultural lands more broadly.³
4. Impact on farm employee and farm labor housing: While the currently certified IP expressly prohibits second dwelling units outside of the Gualala Town Plan Area and the Town of Mendocino, this prohibition does not apply to farm employee

³ Pursuant to Coastal Act §30241, the maximum amount of prime agricultural land shall be maintained in agricultural production. Coastal Act §30113 and Mendocino Coastal Zoning Code §20.308.095(J) define "prime agricultural land" to include land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars (\$200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

housing⁴ or farm labor housing,⁵ which are both allowed as conditional uses on AG, RL, FL, and TP lands. The proposed amendment would allow ADUs on AG, RL, FL, and TP lands through a ministerial, administrative, or standard CDP process, and would not allow farm employee and farm labor housing on parcels where an ADU or JADU is present. Please provide an assessment of whether these provisions of the proposed amendment will disincentivize the construction of farm employee and labor housing in the coastal zone.

5. Timber removal restriction: Proposed CZC §20.458.045(E)(3) does not allow ministerial CDPs for ADUs on parcels zoned FL or TPZ in locations where “timber removal is necessary.” Please clarify whether “timber” removal means “tree” removal (i.e., a ministerial CDP could not be processed if any tree needed to be removed to construct the proposed ADU). Please explain why the County chose this standard to protect timber resources and whether any alternative timber resource standards were considered.

B. ADEQUACY OF SERVICES

Coastal Act §30250(a) (implemented through LUP Policy 3.9-1 among other LCP policies and standards) states in part that new residential development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Coastal Act §30254 also requires in part that Highway One remain a scenic two-lane road. A major challenge in Mendocino County's coastal zone is the limitation of residential density to levels which are compatible with highway capacity, water availability, and septic capacity. As proposed, the amendment would remove the prohibition on second residential units outside of the Gualala Town Plan area, and an ADU and/or JADU would be allowed in addition to one detached bedroom or guest cottage on parcels containing an existing or approved single-family dwelling in all zoning districts which allow single-family dwellings. The proposed amendment increases the potential residential development buildout in the County and thus raises questions of conformance with Coastal Act §§30250 and 30254 and associated LUP policies. Please address the following questions related to adequacy of services:

State Route (SR) 1 Capacity

6. Existing SR 1 studies: The County's application submittal indicates that three studies of SR 1 capacity in Mendocino County have been prepared since LCP

⁴ Mendocino CZC §20.316.020 defines “farm employee housing” as occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. CZC §20.308.045(E) defines “farm employee” as any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, timber production, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market.

⁵ Pursuant to Mendocino CZC §20.316.020, housing for more than one farm employee and his/her family is classified as farm labor housing.

certification in 1985: the "State Route 1 Corridor Study" (Whitlock & Weinberger; 1993); the "State Route 1 Corridor Study Update" (WTrans; 2008); and the "Transportation Concept Report – State Route 1" (Caltrans, District 1; 2016). Please provide copies of the aforementioned studies.

7. Anticipated future SR 1 and VMT studies: Under the amendment, an allowance for 500 ADUs is being proposed as an interim measure necessary to aid with the housing crisis until such time as an updated comprehensive SR 1 corridor study can be prepared to ensure that SR 1 remains a two-lane scenic highway consistent with Coastal Act §30254, and is able to accommodate the increased traffic generated by proposed increases in residential buildout, consistent with Coastal Act §30250. According to the County's application submittal, the County is deferring the SR 1 corridor study update in part to ensure that the study complies with SB 743 which requires that, by July 1, 2020, all jurisdictions must adopt and implement standards for traffic analyses using a vehicle miles traveled (VMT) analysis rather than a level of service (LOS) analysis. The County's application submittal indicates that Mendocino County is in the process of developing VMT standards; please provide an update on this process (timeline, funding, etc.). Please also explain how VMT analysis will factor into a future SR 1 corridor study, and what the County's understanding is with regard to whether Caltrans is planning on factoring VMT into their future evaluations of needed improvements for SR 1 (or if Caltrans will continue to focus on LOS and average daily traffic in their evaluation and design of roadways and intersections). Finally, please provide information on any progress the County and/or Caltrans is making towards a SR 1 corridor study update (e.g., plans or funding allocation from the County or Caltrans).
8. Implications of vacation home rental allowances: The proposed amendment does not allow ADUs or JADUs to be used as vacation home rentals, but does not otherwise restrict vacation home rentals on parcels with ADUs (except within the Gualala Town Plan area, where use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited). As a result, property owners could choose to live within their ADU or JADU and rent out their primary residence to transient guests as a vacation home rental, thereby not creating any new long-term housing in the coastal zone. An argument for allowing ADUs where there may not be additional traffic capacity is that ADUs will provide homes near jobs and services and thus reduce VMT; this argument does not hold up if property owners live in their ADUs to convert their homes into vacation home rentals for tourists. Given that the main reason for expediting this amendment ahead of necessary traffic analysis is to help address the housing crisis, please explain why the County has not chosen to prohibit vacation home rentals on properties with ADUs and/or JADUs. To provide us with a baseline understanding of the prevalence of this visitor-serving use, please also indicate the current number of licensed vacation home rentals in the County's coastal zone. Finally, to help us better understand the regulatory context for vacation home rentals in the County's coastal zone, please provide a copy of any local (uncertified) County regulations pertaining to vacation home rentals, especially any limits on the number of vacation home rentals allowed.

9. Justification for 500-unit cap: The certified IP explicitly requires analysis of traffic impacts before an LCP amendment can be approved to allow second residential units outside of Gualala and the Town of Mendocino. The County is proposing to allow ADUs without this analysis and instead address concerns about traffic capacity by implementing a 500-unit cap on the number of ADUs. The LCP application submitted by the County indicates that when distributed throughout the coastal zone, the 500 ADUs permitted under the proposed cap are expected to result in a de minimis increase in traffic volumes, but provides no evidence to support this conclusion. As requested in our June 2019 pre-submittal comment letter, please provide an analysis of how the cap ensures that highway capacity is adequate to serve potential ADU development (i.e., what is the basis for asserting that traffic impacts would be de minimis?).⁶ Providing an explanation of the nexus between the 500-unit cap and adequate traffic capacity is not only necessary to ensure consistency with Coastal Act and LCP service capacity policies, but also to ensure that the cap complies with the standards of Government Code §65852.2 to the greatest extent feasible.⁷ As part of this analysis, please provide information that puts the 500 units in context; for example, is this number small relative to the number of existing residences in the County's coastal zone and/or relative to potential residential buildout?
10. Tracking ADU development under the proposed caps: According to the County's application submittal, the County is deferring the SR 1 corridor study update in part so that the County can base the study on actual data on the rate of development of ADUs and their associated travel characteristics in the County's coastal zone. As requested in our June 2019 pre-submittal comment letter, please explain how the County will track ADU development for purposes of implementing the 500-unit cap and collecting data for future anticipated traffic studies. As also requested in our pre-submittal comment letter, please indicate the current number of permitted ADUs in the Gualala Town Plan area relative to the existing 100-unit cap and clarify how ADU development in Gualala is tracked by the County.

Water and Septic Capacity

11. Known issues with adequacy of water and sewer services: The amendment application submittal indicates that most properties in the coastal zone are served by individual water wells and septic systems and provides a list of community water and/or sewer systems that serve areas in the unincorporated County's coastal

⁶ This could be accomplished, for example, by evaluating worst-case scenario traffic impacts of potential ADU development relative to available capacity or otherwise logically tying the cap to some quantification of highway capacity impacts and limitations. For example, the County could potentially assign an average daily trip count to new ADUs (based on best available information on rural residential trip generation) and compare the estimated average daily trips from 500 ADUs to the traffic volumes in Caltrans' 2016 Transportation Concept Report to show that additional potential traffic from 500 ADUs will have a negligible impact on overall traffic counts.

⁷ ADU law allows local governments to designate areas within their jurisdiction where ADUs may be permitted based on adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety [§65852.2(a)(1)(A)].

zone.⁸ Please summarize any known service limitations/ capacity issues that could limit ADU development, including any known areas of the County reliant on wells where groundwater supply is an issue (or any updated groundwater studies), or any limits on the capacity of community water and/or sewer systems (e.g., LAFCo service reviews, moratoriums on new connections, known reliance on water trucking etc.).

12. Evaluating the adequacy of ADU/JADU water and septic: The proposed amendment requires, per proposed CZC §§20.458.040(B) and 20.458.040(C), that the Division of Environmental Health (DEH) review and approve all ADU applications for the availability and adequacy of water systems and sewage disposal systems based on standards established in the Mendocino County DEH "Guidelines for Accessory Dwelling Units." Please provide the following clarifications regarding this requirement:

- a. If the source of drinking water is a well or spring, the ADU guidelines indicate that the property owner shall hire a qualified person to determine whether the well or spring meets the County proof of water requirements for a second residential unit. Please clarify whether the intent of this standard is to require proof of water for every proposed ADU, or whether and under what circumstances no investigation would be required. Please also clarify whether proof of water would be evaluated solely based on the 1989 DEH Coastal Groundwater Development Guidelines,⁹ or whether the County would evaluate proof of water based on all of the applicable policies and standards of the LCP. If available, please also provide a map of the DWR groundwater resource classifications in the coastal zone used in the 1989 guidelines.
- b. With respect to onsite septic, the guidelines seem to only address situations where one additional bedroom is added to the property, either through the addition of an ADU that contains only one bedroom, or through the addition of a larger ADU in conjunction with converting bedrooms in the existing structure into other space (so that the total combined bedrooms in the primary and second residence equal no more than one greater than the originally permitted septic capacity). Please clarify the septic requirements if there is a net increase of more than one bedroom on a property as the result of ADU development, or whether the addition of more than one bedroom is

⁸ This list includes: the North Gualala Water Company (water), Gualala Community Services District (sewer), Anchor Bay County Waterworks (sewer), Point Arena Water Works (water), Irish Beach Water Company (water), Elk Community Services District (water), Pacific Reefs California Water District (water), Albion Mutual Water Company (water), Mendocino City Community Services District (sewer), Surfwood Mutual Water Corporation (water), Caspar South Water District (water), City of Fort Bragg (water), Fort Bragg Municipal Improvement District (sewer), and Westport County Water District (water and sewer).

⁹ In these 1989 guidelines, groundwater study requirements for creation of second residential units range from no investigation to a complete hydrological study, depending upon lot size and the respective DWR groundwater resource classification for the project area.

prohibited on properties that rely on onsite septic systems. Please also clarify the septic requirements if a proposed ADU would not result in a net increase of bedrooms on a property.

- c. With respect to onsite septic, please confirm whether, for all ADUs (without exception), the guidelines require the property owner to hire a Qualified Site Evaluator to identify a replacement area that is sized to serve the total number of bedrooms originally in the primary residence plus the total number of bedrooms in the new second residence.
- d. Please confirm whether ADUs would only be permitted upon an affirmative response from DEH that the water and sewage disposal systems are adequate.
- e. Please clarify whether and under what circumstances the guidelines would apply to JADUs. If the development of a JADU triggered the need for a new well, water storage facility, or new or expanded leach field area, clarify whether the JADU would still be exempt from the need for a CDP.
- f. If an ADU triggered the need for a new well, water storage facility, or new or expanded leach field area, please clarify whether these improvements could be permitted through the proposed ministerial CDP process, or whether they would be exempt from the need for a permit or require a separate administrative or standard CDP.

C. OTHER COASTAL RESOURCES

13. Environmentally Sensitive Habitat Area (ESHA): Coastal Act §30240 requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas and be compatible with the continuance of such habitat areas. LUP Policy 3.1-7 implements this policy in part by requiring a 100-foot-wide buffer area adjacent to all ESHA. Proposed CZC §20.458.045(A) prohibits ministerial CDPs for ADUs within 100 feet of the boundary of an ESHA unless contained entirely within an existing legally-authorized structure (this standard is also proposed to apply to development associated with an ADU). Please clarify how the County will determine the presence or absence of ESHA for the purpose of implementing this proposed standard.
14. Visual resources: Coastal Act §32051 requires development to be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding area (and subordinate to the character of the setting in designated highly scenic areas). To protect visual resources, proposed CZC §20.458.045(C) prohibits ministerial CDPs for publicly visible ADUs located within highly scenic areas. To allow us to better communicate the location and extent of designated highly scenic areas to our Commissioners, please provide a one-page map of the entire coastal zone that highlights the highly scenic areas (similar to the map of AG, RL, FL, and TP lands included as Attachment 8 in the PC packet for the subject amendment). Because the visual resource protections of the Coastal Act

apply to all permitted development including development outside of highly scenic areas, please also explain how visual resources would be evaluated and protected for ADUs permitted outside of highly scenic areas consistent with Coastal Act §32051.

15. Archaeological resources: Coastal Act §30244 requires reasonable mitigation measures where development would adversely impact archaeological resources. No archaeological resource standards are included in proposed CZC Chapter 20.458. Please explain whether the County considered including an archaeological resource standard in proposed CZC §20.458.045, such as a requirement for discretionary permit review of ADUs on known sensitive sites, and explain how, without such a standard, the County will ensure the protection of archaeological resources in the ministerial approval of ADUs.
16. Coastal hazards: Proposed CZC §20.458.045(H) requires discretionary CDP review (i.e., prohibits ministerial CDPs) for ADUs in areas designated as Floodplain ("FP") Combining District, Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District. To help us better understand the potential impact and geographic application of this standard, please provide a map identifying where the FP, DL, and SS Combining Districts apply.

D. REQUESTS ADDRESSING MULTIPLE RESOURCES & CUMULATIVE IMPACTS

17. Area of impact: To help us understand the potential cumulative impact and geographic application of this amendment, please provide (a) a list of the land use designations and zoning districts where ADUs would be permitted under the proposed amendment (i.e., all districts and designations which allow single-family residences); (b) a map (or set of maps) highlighting the areas of the County where ADUs would be permitted under the proposed amendment (as requested in our pre-submittal comment letter); (3) a breakdown of land use designations and/or zoning districts in the County's coastal zone by acreage and number of APNs; and (4) if available, the number of parcels/APNs in the coastal zone developed with existing residences.¹⁰
18. Questions regarding the distribution of ADUs: As proposed, the LCP amendment would allow 500 ADUs and an unlimited number of JADUs (outside the Gualala Town Plan area and Town of Mendocino planning area) in the coastal zone in any zoning districts that allow residential uses, including on resource lands (AG, RL, FL, and TP Districts), without consideration of urban/rural boundaries and/or service district boundaries, and without regional allotments or limitations based on adequate water, septic, or traffic capacity, and/or potential cumulative impacts on capacity. Given that the County is proposing a significant limit on the number of allowable ADUs, we question why the County is not proposing provisions to distribute these allowable units in ways that better ensure protection of coastal resources, adequacy

¹⁰ Understanding the number of parcels/APNs in the coastal zone with existing residences would help us better understand how many potential JADUs could be permitted under the proposed amendment. Understanding the number of existing residences would also help put the proposed 500-unit cap on ADUs into perspective (see Request # 9).

of services, concentration of development, and protection of urban-rural boundaries consistent with Coastal Act §§30241, 30250 and 30254, and parallel LUP policies. Regarding this issue, as requested in our June 2019 pre-submittal comment letter, please explain why the County is not proposing to:

- a. prioritize ADUs within or limit ADUs to designated urban areas of the County and/or areas within service district boundaries¹¹ in order to promote infill and allow for higher density growth in existing urban areas and/or areas with services;¹²
- b. prioritize ADUs within or limit ADUs to residential zones where agricultural and timber resources can be avoided (i.e., discourage or prohibit in AG, RL, FL, and TPZ Districts) to promote infill in existing residential neighborhoods;
- c. assign regional allotments of ADUs under the County-wide cap to avoid concentrations of ADUs and resulting cumulative impacts to services beyond local/regional capacity; or
- d. prohibit or further limit or restrict ADUs in subareas of the County's coastal zone where there is an identified lack of adequate water, septic or traffic capacity (e.g., critical water areas).

19. Standards for JADUs: Some of the health and safety requirements listed under proposed CZC §20.458.040 and all of the coastal resource protections listed under proposed CZC §20.458.045 do not apply to JADUs. Proposed regulations that would not apply to JADUs include but are not limited to (1) the requirement that DEH review and approve the availability and adequacy of the water and sewage systems [CZC §20.458.040(B)&(C)]; (2) the prohibition within designated special flood hazard areas [CZC §20.458.040(E)]; and (3) the requirement for a discretionary review process for ADU development within 100 feet of an ESHA, within 125 feet of the edge of a coastal bluff, within highly scenic areas, on prime agricultural soils, and in areas covered by FP, DL, and SS Combining Districts. As requested in our June 2019 pre-submittal comment letter, please provide the rationale for why these standards are not necessary for JADUs to ensure compliance with the policies of the certified LUP and in turn the Chapter 3 policies of the Coastal Act.

General Clarifications on Amendment Provisions

20. Allowance for ADUs in the floodplain: Proposed CZC §20.458.040(E) appears to conflict with proposed CZC §20.458.045(H), because §20.458.040(E) prohibits ADUs in designated special flood hazard areas, while §20.458.045(H) allows ADUs

¹¹ Urban/rural boundaries and service district boundaries are delineated on the certified LUP maps. LUP maps of Westport, Fort Bragg, Irish Beach and Manchester all include urban/rural boundaries that designate urban areas in the unincorporated County.

¹² Concentrating ADUs near jobs and services also makes sense given that one of the main hurdles to permitting more ADUs in the County is highway capacity, and ADUs located near jobs and services will generate fewer vehicle miles traveled than ADUs located in more rural areas of the County's coastal zone.

in areas designated FP Combining District (which applies to special flood hazard areas) through an administrative or standard CDP process. Please clarify whether ADUs are outright prohibited in special flood hazard areas or whether they are allowed through a discretionary review process.

21. Clarification on ADU and JADU allowances in Gualala: Please clarify whether JADUs permitted in the Gualala Town Plan Area are exempt from the 100-unit cap. Please also clarify whether qualifying properties in Gualala are allowed one JADU in addition to one ADU, or whether properties are limited to an ADU or a JADU. In addition, please explain why the County is not proposing to update existing floor area limitations for ADUs in the Gualala Town Plan Area consistent with current state ADU law.
22. Clarification on JADUs: Under proposed CZC §20.308.065(A), a JADU is defined in part as a living space contained entirely within a legally-authorized single-family dwelling. Proposed CZC §20.532.020(G) exempts a JADU from the need for a CDP if the JADU is consistent with the requirements of Chapter 20.548. With respect to JADUs, please clarify:
 - a. whether the creation of a JADU may involve improvements elsewhere on the property (e.g., improvements to driveways and onsite water and septic systems); the conversion of nonhabitable space (like an attached garage) into habitable space; and/or the addition of a bedroom (i.e., the conversion of a portion of a residence without an existing bedroom into a JADU).
 - b. (1) whether all applications for a JADU will either be exempt from the need for a CDP or denied as inconsistent with Chapter 20.548; or (2) whether JADUs in any circumstances would require CDP authorization.
 - c. whether and how JADU development could be tracked and reported to evaluate service capacity impacts given the CDP exemption.¹³
23. Processing of ministerial CDPs for ADUs: Based on proposed CZC §§20.532.015(B) and 20.536.001(A), it appears that ministerial CDPs for ADUs will be approved based on consistency with proposed Chapter 20.548. As requested in our June 2019 pre-submittal comment letter, please clarify whether the County's findings for approval of a ministerial CDP would only address consistency with Chapter 20.548, or whether the County would also make findings outlined in CZC §20.532.095 ("Required findings for all CDPs") and in §20.532.100 ("Supplemental Findings") as applicable.
24. Relationship to adopted categorical exclusion order: The County has a certified categorical exclusion order that excludes from CDP requirements certain residential construction, water wells, and septic systems in certain geographic areas. Please explain whether the County believes any ADU and/or JADU development, including any associated well and septic improvements, would be exempt from the need for a

¹³ Tracking of JADU development seems critical to developing an understanding of impacts on SR 1 capacity.

CDP in those geographic areas pursuant to the categorical exclusion order; and if so, under what circumstances.

Outreach, Noticing, and Response to Public Comments

25. **Tribal outreach**: The County's application indicates that the County contacted the Native American Heritage Commission for a tribal consultation list and mailed notification of the amendment to tribal representatives on May 3, 2019. Please clarify whether any responses were received regarding the County's referral or whether any further correspondence occurred with tribal representatives regarding the subject amendment.
26. **Noticing list**: To allow the Coastal Commission to notice all interested parties of upcoming actions on the proposed amendment, please provide a mailing list associated with the local public hearings that were held for the LCP amendment, including a list of all names and addresses of those who were sent public hearing notices. Please also provide the contact information (home and/or email addresses), if available, of any persons who participated during the local review process. Finally, please provide a mailing list for all other interested persons and public agencies listed under §13515(a) of the Coastal Commission's administrative regulations,¹⁴ whether notified directly by the County or not.
27. **Public comment**: To address the public participation requirements of the Coastal Act and CEQA, CCR §13552(a) requires LCP amendment submittals to include a list of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP amendment; and copies or summaries of significant comments received and of the local government's response to the comments. The County's application submittal appears to include all written comments received on this amendment as well as minutes from the November 2019 Board of Supervisors (BOS) hearing that include a list of members of the public who spoke at that hearing. Please provide: (1) a list of public speakers from the July 2019 Planning Commission (PC) hearing on the proposed amendment; (2) information on the nature and content of oral comments received at both the PC and BOS hearings (or transcripts or videos of the hearings); and (3) a response to oral and written public comments.

2020 Amendments to State ADU Law

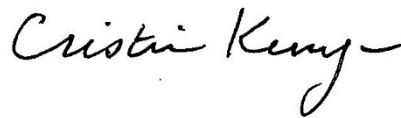
28. **Changes to ADU law**: Since the proposed amendment was adopted by the County in November 2019, Government Code §§65852.2 and 65852.22 regarding ADUs

¹⁴ §13515(a) states, "At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of the LCP or LRDP shall be mailed to: (1) any member of the public who has so requested; (2) each local government contiguous with the area that is the subject of the LCP or LRDP; (3) local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LRDP; (4) all of the state and federal agencies listed in Appendix A of the Local Coastal Program Manual; (5) local libraries and media; and (6) other regional or federal agencies that may have an interest in or be affected by the LCP. Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups."

and JADUs have been amended (effective January 2020). It appears there may be inconsistencies between the proposed amendment and the new provisions of the law that the County may want to address, including but not limited to with regards to floor area limitations, separate sale and conveyance, definitions (e.g., efficiency kitchen), parking requirements, and permitting deadlines. Please clarify whether the County would like any inconsistencies addressed through friendly suggested modifications.

After the above-listed materials have been received, the application will again be reviewed and will be deemed submitted if all is in order (CCR § 13553). Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above information request. Thank you in advance for your cooperation and don't hesitate to contact the North Coast Office at NorthCoast@coastal.ca.gov with any questions.

Sincerely,
Robert Merrill
District Manager



CRISTIN KENYON
Supervising Analyst

ATTACHMENT 2
GP_2018-0003, LAND USE PLAN AMENDMENT
(with Coastal Commission Suggested Modifications)

Language of the currently certified LUP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in **bold, double-**
underlined text and ~~**bold, double-strike-out text**~~, respectively.

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.**

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). **Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.** Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with ~~California Government Code Section 65852.2 and with~~ standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

ATTACHMENT 3

OA_2018-0009, IMPLEMENTATION PROGRAM AMENDMENT
(with Coastal Commission Suggested Modifications)

Relevant excerpts of the County's IP are included below to show the context of the County's proposed changes to the IP in concert with the Commission staff's suggested modifications.

Language of the currently certified IP is shown in plain text.

The County's proposed additions are shown in underlined text, and the County's proposed deletions are shown in ~~strike-out text~~.

The Coastal Commission's suggested modification additions and deletions are shown in red, bold, double-underlined text and ~~red, bold, double-strike-out text~~, respectively.

NOTE: The suggested modifications include "friendly modifications" requested by the County after submittal of the LCP application to make minor corrections, provide clarification and address recent changes in State ADU laws.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544 OF TITLE 20, DIVISION II OF THE MENDOCINO COUNTY CODE AMENDING DEFINITIONS AND REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Section 1: Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.020 – Definitions (A).

- (A) "Access" means the permission, ability and means to enter and pass to and from property.
- (B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.
- (C) "Access, Coastal" means public rights-of-way to and along the sea.
- (D) "Access, Lateral" means a public accessway for public access and use along the shoreline.
- (E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.
- (F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except for "Accessory Living Units" and "Accessory Dwelling Units" as provided in Chapter 20.456 (Accessory Use Regulations) and Chapter 20.458 (Accessory Dwelling Units).
- (G) "Accessory Dwelling Unit" or "ADU" means an attached or detached residential dwelling in compliance with Chapter 20.458, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a proposed or existing single-family or multi-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).

- (~~GH~~) "Accessory Living Unit" means a detached bedroom as defined in Section 20.308.035(B), or a guest cottage as defined in Section 20.308.050(I), or an ~~accessory dwelling unit~~ ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).
- (~~H~~) Accessory Structure. See Accessory Building.
- (~~I~~) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (~~J~~~~K~~) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with these regulations, or who, by other appropriate means prior to action on a development permit or variance, informed the County of his or her concerns about the application for such permit and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- (~~K~~~~L~~) "Airport" means any area of land or water which is used or intended for use, for the landing and take-off of aircraft, and other appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon.
- (~~L~~~~M~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~M~~~~N~~) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, including any alteration in the boundaries of a zone, when adopted by ordinance and passed by the Board of Supervisors in the manner prescribed by law.
- (~~N~~~~O~~) "Anadromous Stream" means fresh water stream used as a migration corridor and spawning and nursery habitat by fish, such as salmon and steelhead trout, that live most of their lives in saltwater.
- (~~O~~~~P~~) "Animal Raising." See Light Agriculture.
- (~~P~~~~Q~~) "Animal Waste Processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.
- (~~Q~~~~R~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~R~~~~S~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~S~~~~T~~) "Applicant" means the person, partnership, organization, corporation or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.
- (~~T~~~~U~~) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the Administration or enforcement of this Division.
- (~~U~~~~V~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~V~~~~W~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII of the California Environmental Quality Act (CEQA). Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological or paleontological site shall cease and desist from all further excavation within one hundred (100) feet of the discovery and notify the Director of the Department of Planning and Building Services in conformance with Mendocino County Code Chapter 22.12. See also Paleontological Site.
- (~~W~~~~X~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~X~~~~Y~~) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, dumping or abandonment of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period

exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

Section 2: Section 20.308.035 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.035 – Definitions (D).

- (A) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not considered to be dwelling units for the purpose of density calculations.
- (B) "Detached Bedroom" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.456 (Accessory Use Regulations).
- (C) Detached Building. See Building, Detached.
- (D) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.
- (E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.
- (F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.
- (G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.
- (H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.
- (I) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership. A parcel with a single-family dwelling and an ~~accessory dwelling unit ADU and/or JADU~~ is not considered to be a dwelling group.
- (J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

Section 3: Section 20.308.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.040 – Definitions (E).

- (A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.
- (B) "Efficiency Kitchen" means a small food preparation area for a ~~junior accessory dwelling unit~~ **JADU** that includes the following:
- ~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~
- ~~(12) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
- ~~(23) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit JADU.~~
- (BC) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (CD) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (DE) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.
- (EE) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (FG) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
- (GH) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.
- (HI) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land.

Section 4: Section 20.308.065 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.065 – Definitions (J).

- (A) "Junior Accessory Dwelling Unit" or "JADU" is a living space not exceeding five hundred (500) square feet in size and contained entirely within ~~a legally authorized an existing or proposed~~ **single-family dwelling. A junior accessory dwelling unit JADU shall include a separate entrance from the main entry to the single-family dwelling,** an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing ~~structure~~ **single-family dwelling.** See Chapter 20.458 (Accessory Dwelling Units).

(~~AB~~) "Junk Yard" means any land, lot or portion thereof where there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Section 5: Section 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.075 - Definitions (L).

(~~A4~~) "Land Use Plan" means the relevant portions of a local government's general plan, or coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

(~~B2~~) Lateral Access. See Access, Lateral.

(C) "Legally Authorized Residential Structure" is a dwelling unit, accessory living unit or garage that either has been constructed with required permits and approvals from the California Coastal Commission and County of Mendocino or is a legal, non-conforming structure (see Section 20.308.050(D)).

(~~D3~~) "Living Area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

(~~E4~~) "Living Unit" means any building or vehicle designed or used for human habitation, including but not limited to a dwelling, accessory living unit, farm employee housing, farm labor camp, or mobile home.

(~~F5~~) Living Unit, Accessory. See Accessory Living Unit.

(~~G6~~) "Local Coastal Element" means that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to Division 20 of the Public Resources Code, or such additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

(~~H7~~) "Local Coastal Program" means a local government's (1) land use plans, (2) zoning codes, (3) zoning district maps, and (4) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this Division at the local level.

(~~I8~~) Lodging house. See Hotel.

(~~J9~~) "Lot" means a single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision map Act and recorded in the Mendocino County Recorder's office; or a parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. "Lot" shall also mean "parcel," but does not include road easements or right-of-way.

(~~K40~~) "Lot Area" means the total area, within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations for parcels zoned RR, SR, RV, FV, C, I and PF.

(~~L44~~) "Lot, Corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

(~~M42~~) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

(~~N43~~) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

(~~Q14~~) "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

(~~P15~~) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

(~~Q16~~) "Lot, Interior" means a lot other than a corner lot.

(~~R17~~) "Lot, Key" means an interior lot adjacent to a corner lot, the side lot of which is contiguous with the rear lot line of the corner lot.

(~~S18~~) "Lot Line" means any property line bounding a lot.

(~~119~~) "Lot Line, Exterior" means a property line abutting a public or private road or street.

(~~220~~) "Lot Line, Front" means the line separating the front of the lot from the street right-of-way. When a lot or buildings site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front line shall be the lot line that is nearest to the public street. In the case of a flag lot, the front lot line shall also include the lines, or portion of lines, on both sides of the strip of land that connects the lot with the street, the line that is closest to and generally parallel to the street right-of-way, and the line that is established by projecting the line that intersects the strip of land, across the strip of land. In the case of irregular frontage or access, the front lot line shall be determined by the Coastal Permit Administrator.

(~~324~~) "Lot Line, Rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.

(~~422~~) "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

(~~523~~) "Lot Line, Street" means any lot line abutting on a street.

(~~624~~) "Lot Line, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

(~~I25~~) Lot Size. See Lot Area.

(~~U26~~) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

(~~V27~~) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Division.

Section 6: Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.316.010 - Family Residential.

The Family Residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs are considered an accessory use and are not counted as dwelling units for purposes of the Family Residential definition.~~ The following are family residential use types:

- (A) **Family Residential: Single-Family.** The use of a parcel for only one (1) dwelling unit.
- (B) **Family Residential: Two-Family.** The use of a parcel for two (2) dwelling units within a single building.

- (C) **Family Residential: Multifamily.** The use of a parcel for three (3) or more dwelling units in one (1) building.
- (D) **Family Residential: Dwelling Groups.** The use of a parcel for more than one (1) but not more than four (4) single-family dwellings. On the Remote Residential, Agricultural, Range Land, Forest Land, and Timber Land Production Districts, open space easements or other methods may be required on all open space land not included in the residential development area. ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not permitted on parcels where a dwelling group is approved.
- (E) **Family Residential: Cluster Development.** The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.412 (Clustering Development Combining District). ~~Accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not permitted on parcels where a cluster development is approved.
- (F) **Family Residential: Boarding House.** The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, vacation home rental, or student/instructor temporary housing, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

Section 7: Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single-family residence:

- (A) **Private garages.**
- (B) **Children's playhouse, patios, porches, gazebos, etc.**
- (C) **Windmills.**
- (D) **Shops** (non-business purposes).
- (E) **Barns.**
- (F) **Private swimming pools and hot tubs** (not subject to setback requirements in the side or rear yards of any district).
- (G) **Accessory Living Unit.** Not more than one ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. An ~~accessory dwelling unit ADU~~ and/or a ~~junior accessory dwelling unit JADU~~ may also be permitted, subject to the limitations established in Chapter 20.458.
- (H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except in on properties with an accessory dwelling unit ADU and/or a junior accessory dwelling unit JADU where such use shall be prohibited.
- (I) **Day care center, family care home, or school,** for six (6) or less persons.
- (J) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (K) **Home Occupations.** Subject to Chapter 20.448.

- (L) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
- (M) **Accessory Parking.**
 - (1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.
 - (2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.
 - (3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.
 - (4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.

As used in this subsection "large vehicle" shall mean vehicles of three-ton tare (unladen weight).
- (N) **Public Access.** The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.
- (O) **Other Necessary and Customary Uses.** Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

Section 8: The title of Chapter 20.458 of the Mendocino County Code is hereby amended to read as follows:

Chapter 20.458 - ~~SECOND RESIDENTIAL~~ ACCESSORY DWELLING UNITS

Section 9: Section 20.458.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.458.005 - Declaration.

The intent of this chapter is to regulate the creation of ~~second residential units~~ **accessory dwelling units ADUs and JADUs** in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 **and Section 65852.22** of the California Government Code, as amended. ~~Section 65852.2~~ **and Section 65852.22** establish specific requirements for the regulation of ~~accessory dwelling units ADUs and JADUs~~ with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ~~accessory dwelling units ADUs and JADUs~~ are not considered new residential units for the purpose of calculating residential density. This chapter is intended to protect coastal resources when regulating ~~accessory dwelling units ADUs and JADUs~~ in the Coastal Zone, while also complying with the standards in Section 65852.2 **and Section 65852.22** to the greatest extent feasible.

Section 10: Section 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Sec. 20.458.010 - Prohibition.

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or~~

residential clustering where such dwelling units are specifically provided for in other sections of this Division.

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

The number of permitted ~~accessory dwelling units ADUs~~ within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. ~~Junior accessory dwelling units JADUs~~ are exempted from this cap.

Any change to the cap on the number of ~~accessory dwelling units ADUs~~ shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to modify the cap, a traffic analysis shall be prepared to evaluate impacts associated with ~~proposed ADU allowances and~~ future growth on the capacity of State Route 1 in the Coastal Zone of Mendocino County.

Within the Gualala Town Plan area, a maximum of one hundred (100) ~~accessory dwelling units ADUs shall may~~ be permitted. ~~JADUs are exempted from this cap.~~ When this number has been reached, a review shall be conducted to determine if ~~accessory dwelling units ADUs~~ are meeting the intent of providing additional affordable housing and whether additional ~~accessory dwelling units ADUs~~ can be accommodated. Any change to the maximum number of ~~accessory dwelling units ADUs~~ in the Gualala Town Plan area shall require a Local Coastal Program amendment. ~~Prior to a Local Coastal Program amendment to increase or remove the cap, the County shall provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in Gualala and the surrounding Coastal Zone area.~~

Section 11: Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Sec. 20.458.015 – Findings.

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.

Section 20.458.015 - Permit.

~~Accessory dwelling units ADUs or junior accessory dwelling units JADUs~~ may be permitted in any zone that allows residential uses as a permitted or conditional use. ~~Accessory dwelling units ADUs or junior accessory dwelling units JADUs~~ may be permitted in accordance with one of the following determinations:

- (A) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 20.532.020; or
- (B) Determined to meet the criteria for a coastal development ministerial permit pursuant to Section 20.532.015(B); or
- (C) Determined to require a coastal development permit pursuant to Section 20.532.015 (A) ~~or~~
~~(E).~~

Section 12: Section 20.458.020 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Sec. 20.458.020 – Gualala Town Plan Second Residential Units.

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- (A) ~~**Permit requirement.** A standard Coastal Development Permit shall be required for all second residential units.~~
- (B) ~~**Number of Second Residential Units.** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~
- (C) ~~**Permitted locations for Second Residential Units.**~~
 - (1) ~~Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - (2) ~~Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
 - (3) ~~Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~

- (4) ~~Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~

~~(D) **Specific Standards for Second Residential Units.**~~

- (1) ~~All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
- (2) ~~On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second story to a detached garage.~~
- (3) ~~Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- (4) ~~Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- (5) ~~Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- (6) ~~Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- (7) ~~Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

Section 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

~~Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) shall conform to the following standards:~~

- (A) ~~An ADU or JADU shall only be permitted on a parcel that either contains an existing or proposed single-family dwelling or for which a building permit has been issued for the single-family dwelling. A proposed single-family dwelling means a dwelling that is the subject of a coastal development permit or Categorical Exclusion application and that meets the requirements for permitting. A ministerial or administrative coastal development permit application for an ADU or JADU submitted with the permit application for the proposed single-family dwelling shall be acted on after the application for the proposed single-family dwelling has been acted on and all appeal periods have ended. A certificate of occupancy for an ADU shall not be issued before the certificate of occupancy is issued for the primary dwelling.~~
- (B) ~~An ADU may be attached to the single-family dwelling or located in a detached, separate structure.~~
- (C) ~~An existing legally-authorized accessory structure, accessory living unit, detached bedroom, guest cottage, or family care unit may be converted into an ADU consistent with the provisions of this Chapter.~~
- (D) ~~Where a dwelling group or parcel clustering is approved, no ADU or JADU shall be allowed.~~
- (E) ~~ADUs and JADUs may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26.~~
- (F) ~~ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:~~

- (1) In the coastal zone, on a property with an ADU and/or JADU, use of an ADU or JADU or any dwelling for transient habitation as a vacation home rental or by transient guests shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.
- (2) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include ~~the pertinent restrictions and limitations for the ADU and/or JADU~~ (a) the prohibition on the use of any dwelling for transient habitation and (b) for ADUs and JADUs proposed within 125 feet of the bluff edge that require the construction of a new structure, result in an expansion of an existing structure, or require repair or improvements to an existing structure to the extent that it constitutes a replacement structure pursuant to section 13252 of Title 14, California Administrative Code, a prohibition on the development of bluff or shoreline protective devices to protect the ADU or JADU from bluff retreat, erosion, or other coastal hazards in the future. The deed restriction, and which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- ~~(3) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.~~

Section 13: A new Section 20.458.025 is added to the Mendocino County Code as follows:

Section 20.458.025 - Specific Standards for Accessory Dwelling Units.

ADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that do not allow multi-family residential uses, an ADU shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit, but not including a JADU) is located on the parcel, or if there currently exists more than one guest cottage or detached bedroom on the parcel.
- ~~(B)~~ On properties with zoning classifications that allow multi-family residential units (i.e., Commercial, Suburban Residential, Gualala Village Mixed Use, Gualala Highway Mixed Use, or Gualala Planned Development) and which have existing two-family or multifamily dwelling structures, at least one ADU shall be allowed within an existing two-family or multifamily structure. Multiple ADUs up to 25 percent of the existing multifamily dwelling units may be allowed if each ADU complies with State building standards for dwellings. No more than two detached ADUs shall be permitted on a parcel with an existing multifamily dwelling.
- ~~(C)~~ In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that allow multi-family residential units which have an existing single-family dwelling, an ADU and a JADU may be allowed, in addition to a guest cottage and/or detached bedroom.
- ~~(D)~~ ADUs shall conform to height, setback, ~~lot coverage~~, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:
- (1) An existing legally-authorized ~~garage accessory structure~~ which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and

would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.

(2) A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.

(EC) ADUs are subject to the following floor area limitations:

(1) For a detached ADU, total floor space may not exceed 1,200 square feet.

(2) For an attached ADU, total floor space may not exceed 1,200 square feet or 50 percent of the floor space of the existing **or proposed** single-family dwelling, whichever is less. **In no instance shall the floor space of an attached ADU be restricted to less than 1,000 square feet for an attached ADU that provides more than one bedroom or less than 850 square feet for an attached ADU that provides one or less bedroom.**

~~(3) Floor area limitations for ADUs in the Gualala Town Plan area are established in Section 20.458.035.~~

(ED) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

Section 14: A new Section 20.458.030 is added to the Mendocino County Code as follows:

Section 20.458.030 - Specific Standards for Junior Accessory Dwelling Units.

JADUs are subject to the following specific standards and criteria:

(A) In the coastal zone outside of the Gualala Town Plan area, a JADU may be allowed on a legal parcel in addition to one single-family dwelling, an ADU, and a maximum of one other accessory living unit (i.e., detached bedroom or guest cottage).

(B) **A-After January 1, 2025, a** JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.

(C) No more than one JADU may be located on a parcel.

(D) A JADU must be contained entirely within a legally-authorized single-family dwelling and total floor space may not exceed 500 square feet.

(E) A JADU may be located within an existing legally-authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.

(F) A separate entrance to the JADU shall be provided, ~~and interior access to the remainder of the single-family dwelling shall be maintained.~~

(G) A JADU may share a bath with the single-family dwelling or have its own bath.

(H) A JADU is required to include an efficiency kitchen as defined in Section 20.308.040(B).

(I) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.

(J) Prior to obtaining a building permit for a JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU **including, but not limited to, the prohibition on use of the unit for transient habitation, restrictions on size, and prohibition on sale separate from the sale of the single-family dwelling,** which shall run with the land, and be binding upon any future owners, heirs, or assigns.

(K) See Section 20.458.035 for additional and more restrictive standards for JADUs on properties within the Gualala Town Plan area.

Section 15: A new Section 20.458.035 is added to the Mendocino County Code as follows:

Section 20.458.035 - Specific Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in the Gualala Town Plan Area.

ADUs and JADUs in the Gualala Town Plan area are subject to all of the standards and requirements of this Chapter in addition to the following more restrictive standards:

- (A) An ADU or JADU may not be permitted on parcels where there is more than one (1) dwelling unit (including temporary family care unit) or a guest cottage or detached bedroom.
- (B) ADUs or JADUs are prohibited on parcels that are located west of State Route 1.
- (C) On parcels that are less than one-half (0.5) acre in size, ADUs shall be required to be attached to the primary residence or as a second-story to a detached garage.
- ~~(D) ADUs are subject to the following floor area limitations:
 - ~~(1) For a detached ADU, total floor space may not exceed 960 square foot.~~
 - ~~(2) For an attached ADU, total floor space may not exceed 500 square foot.~~~~
- ~~(E) A JADU must be contained entirely within a legally authorized single-family dwelling and total floor space may not exceed 500 square foot.~~
- ~~(F) The use of any dwelling as a vacation home rental on a property with an ADU or JADU is prohibited. Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.~~

Section 16: A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

- (A) ADUs and JADUs shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the single-family dwelling.
- (B) The Division of Environmental Health shall review and approve the availability and adequacy of the water system for all ADUs ~~and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. An adequate water supply must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU, in accordance with standards established in the "Coastal Groundwater Development Guidelines" and the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ~~ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. Adequate sewage capacity must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU, in accordance with standards established in the Mendocino County Division of Environmental Health "Guidelines for Accessory Dwelling Units."~~
- (D) For ADUs, a preliminary clearance letter from CalFire shall be required for all ADUs on properties within a State Responsibility Area (SRA). For properties within a Local

Responsibility Area, a letter shall be required from the local fire district indicating that all fire safety requirements can be satisfied. A letter from the local fire district shall also be required for properties within an SRA if the local fire district requests that ADU applications be referred for review and approval.

- (E) ADUs are prohibited in **areas designated as Floodplain ("FP") Combining District and/or** designated special flood hazard areas which are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Section 17: A new Section 20.458.045 is added to the Mendocino County Code as follows:

Section 20.458.045 - Coastal Resource Protections.

All ADUs shall comply with the following requirements for the protection of coastal resources: **JADUs shall comply where applicable:**

- (A) ~~An~~ ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within ~~an existing a~~ legally authorized **existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code.** All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) ~~An~~ ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within ~~an existing a~~ legally-authorized **existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code.** All new development associated with an ADU or JADU must also be located more than 125 feet from the edge of a coastal bluff. An exception to ~~this these~~ requirements may be authorized through the ~~standard administrative~~ coastal development permit process where the development is consistent with the standards established in Chapter 20.500.
- (C) An ADU may not be located within a Highly Scenic Area unless the ADU would be **permanently and entirely blocked from view visible** from **all** public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. An exception to this requirement may be authorized through the ~~standard administrative~~ coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504. **ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint shall be of a similar architectural style, building materials and colors as the primary residences on the property.**
- (D) An ADU may not be permitted if the total amount of grading associated with construction of the ADU is more than 20 cubic yards. An exception to this requirement may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.
- (E) The following standards are established for the protection of agricultural and timber resources in the Coastal Zone:
- (1) On parcels zoned AG, RL, FL or TPZ, a detached ADU may only be permitted, if it is **located within 150 setback no greater than 100** feet ~~of from the~~ existing **or proposed** legally-authorized ~~structures~~ **primary residence and relies on the primary residence's driveway or another legally-authorized existing driveway. An**

ADU established within a legally-authorized residential structure existing as of the effective date of the ordinance establishing these requirements is exempt from these requirements.

- (2) On parcels zoned AG or RL, an ADU may ~~only not~~ be located on ~~non-prime soils land designated "Prime Agricultural Land."~~ ~~On parcels zoned AG or RL, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture.~~ An exception to ~~this- these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the applicant can demonstrate, through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) and (B), as applicable, that the ADU will not impact the long-term productivity of the agricultural land and that the ADU is compatible with the commercial growing and harvesting of timber.
- (3) On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no ~~timber major vegetation~~ removal ~~or harvesting~~ is necessary. ~~On parcels zoned FL or TPZ, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for timber production.~~ An exception to ~~this these~~ requirements may be authorized through the administrative ~~or standard~~ coastal development permit process, as applicable, in circumstances where the applicant can demonstrate through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2), that the ADU will not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.
- (F) An ADU may not be permitted ~~in a residential area~~ on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally-authorized residence and does not extend further into the setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-conforming use.
- (G) An ADU may not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.
- (H) An ADU may not be permitted in an area designated as ~~Floodplain ("FP") Combining District,~~ Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District ~~unless a report, prepared by, An exception to this requirement may be authorized through the administrative or standard coastal development permit process, as applicable, in circumstances where~~ a licensed engineer can demonstrate that the proposed development is consistent with the standards established in ~~Chapter 20.492,~~ Chapter 20.416, and Chapter 20.432, ~~respectively.~~
- (I) ADUs may not be permitted on a property with known archaeological resources unless an administrative coastal development permit is applied for and received and where reasonable mitigation measures shall be employed to protect archaeological resources.

Section 18: A new Section 20.458.050 is added to the Mendocino County Code as follows:

Section 20.458.020050 - Parking Requirements.

The following requirements and standards for off-street parking shall apply to ADUs and JADUs:

- (A) No additional parking is required for a JADU.
- (B) ADUs which meet any one of the following criteria are exempt from the parking requirements in this section:

- (1) Located within one-half mile **walking distance** of a public transportation stop along a prescribed route according to a fixed schedule.
- (2) Located within one block of a car share parking spot.
- (3) Located entirely within the **principal primary** residence and the ADU does not result in a net increase in habitable floor area on the property.
- (4) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.
- (5) Located within a designated historic district.
- (C) One parking space is required per ADU and the space may be provided through tandem parking.
- (D) Parking for ADUs is allowed in front, rear and side setback areas.
- ~~(E) **When a garage or covered parking structure is demolished or repurposed in conjunction with the construction of an ADU, the replacement parking spaces may be located in any configuration on the same lot parcel as the ADU, including but not limited to covered spaces, uncovered spaces, or tandem spaces.**~~

Section 19: Section 20.472.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.472.015 - Residential.

- (A) Single-family detached dwelling or mobile home: two (2) parking spaces.
- (B) Duplex: two (2) parking spaces for each unit.
- (C) Multiple-family/apartment/condominiums: one (1) parking space up to one (1) bedroom, one and one-half (1.5) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms.
- (D) Mobile home parks: two (2) parking spaces for each mobile home space.
- (E) ~~**Accessory dwelling unit ADU:**~~ one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) ~~**Junior accessory dwelling unit JADU:**~~ no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 20: Section 20.532.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

- (A) **Coastal Development Administrative Permit.** The purpose of a Coastal Development Administrative Permit ~~s~~ is to provide for the administrative issuance of coastal development permits. The Coastal Permit Administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit, **except for ADUs and JADUs as specified in Section 20.458.045.**
 - (1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;

- (2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;
- (3) Improvements to an existing structure;
- (4) Any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land;
- (5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.

(6) Any ADU or JADU that meets all of the requirements for a coastal development ministerial permit except for the objective requirements established in Section 20.458.045 and for which an exception to those requirements may be granted through the coastal development administrative permit process. A coastal development administrative permit for an ADU and/or JADU is not appealable to the Board of Supervisors but may be appealable to the Coastal Commission.

(B) Coastal Development Ministerial Permit. The purpose of a coastal development ministerial permit is to provide for the administrative issuance of coastal development permits for ~~accessory dwelling units~~ **ADUs** which comply with the objective requirements specified in Section 20.458.045. Coastal development ministerial permits may be approved by the Director or his/her designee. **Approval of a coastal development ministerial permit requires findings of consistency with Chapter 20.458 as well as the required and supplemental findings specified in Sections 20.532.095 and 20.532.100, as applicable.** A public hearing is not required for coastal development ministerial permits and they are not appealable to the Board of Supervisors. For development located within the appeal jurisdiction of the California Coastal Commission, coastal development ministerial permits are appealable to the Coastal Commission.

(BC) Coastal Development Use Permit. A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.

(CD) Coastal Development Variance. Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.

(DE) Coastal Development Standard Permit. A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

Section 21: Section 20.532.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.020 - Exemptions.

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;

- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;
- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure;
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;
- (G) ~~Junior accessory dwellings units located entirely within an existing legally authorized single-family residence which are consistent with the requirements of Chapter 20.458. ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.~~

~~Accessory dwelling units located within an existing legally permitted detached bedroom, guest house, or non-residential structure shall not be exempted from the requirement to obtain a coastal development permit.~~

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Section 22: Section 20.532.045 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.045 - Authority to Act on Coastal Development Permit.

Upon completion of project review and evaluation, the action to approve, conditionally approve, or deny a coastal development permit shall be taken by:

- (A) The Director or his/her designee in the case of coastal development ministerial permits;
- (B) The Coastal Permit Administrator in the case of coastal development standard permits for principal permitted uses and coastal development administrative permits; and by
- ~~(C) The Planning Commission in the case of coastal development permits for conditional uses permits and divisions of land.~~

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

Section 23: Section 20.532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

- (A) For all applications except for applications to create an ADU or JADU, within one hundred eighty (180) days of filing of a complete application for a coastal development

permit, the Director, Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department.

(B) For applications to create an ADU or JADU, action shall be taken within sixty (60) days of filing of a complete application for a coastal development permit exemption, Categorical Exclusion or coastal development permit. The 60-day time period for acting on a complete application for an ADU or JADU submitted with a permit application for a proposed single-family dwelling shall not commence until after the application for the single-family dwelling has been acted on and all appeal periods have ended.

(C) If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, ~~the application shall be deemed to have been approved.~~ the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.

(D) Failure to act – notice.

Notification by Applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950—65957.1 or Government Code Section 65852.2 for an ADU or a JADU have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.544.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

(E) When an application for a coastal development permit has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D) or, for coastal development ministerial permits, the notice requirements of Section 20.536.010(C).

Section 24: Section 20.536.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.005- Coastal Development Administrative Permits.

- (A) Purpose.** The purpose of this section is to provide for the administrative issuance of coastal development permits for those types of development projects specified in Section 20.532.015 and emergency permits as provided for in Section 20.536.055.
- (B) Approval Action.** The Coastal Permit Administrator ~~may shall~~ administratively approve, ~~or~~ conditionally approve, ~~or deny~~ a coastal development administrative permit without the requirement of a public hearing. Any permit approved administratively by the Coastal

Permit Administrator, except for permits for ADUs and/or JADUs, shall contain a statement that the permit will not be effective until it has been reported to and reviewed by the Board of Supervisors.

(C) **Reporting.** With the exception of a coastal development administrative permit for an ADU or JADU, A-a coastal development administrative permit approved by the Coastal Permit Administrator shall be available on the agenda of the Board of Supervisors at its next available meeting after the permit has been approved. The Coastal Permit Administrator shall report in writing to the Board at each meeting the permits approved under this section, with sufficient description of the work authorized to allow the Board to understand the development proposed to be undertaken. If, at the meeting, at least one (1) member of the Board so requests, the permit issued shall not go into effect and the application shall be processed in accordance with Section 20.536.010.

(D) **Noticing.** Notice that the Coastal Permit Administrator intends to approve act on a coastal development administrative permit for an ADU or JADU shall be mailed at least ten (10) calendar days prior to issuance. Notice that the Coastal Permit Administrator will report proposed issuance of the coastal development administrative permit to the Board of Supervisors shall be mailed at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:

- (1) The applicant;
- (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
- (3) All persons who have requested to be on the mailing list for that development project;
- (4) All persons who have furnished self-addressed and stamped envelopes and requested to be on the mailing list for development located within the Coastal Zone boundaries; and
- (5) The Coastal Commission.

(E) **Content of Notice.** The notice shall contain the following information:

- (1) A statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The case file number assigned to the application;
- (4) A description of the development and its proposed location;

(5) If the permit is for an ADU or JADU, the date upon which the coastal development administrative permit will be approved-acted on.

(56) If the permit will be reported to the Board of Supervisors, the date, time and place at which the application will be reported to the Board;

(67) A brief description of the general procedure concerning the conduct of ~~hearing and~~ local actions, including procedures for submission of public comment prior to the decision, and identification of a comment period of sufficient time to allow for submission of comments by mail prior to the decision;

(78) A full disclosure of the procedure(s) for local and Coastal Commission appeals, if such appeals are available, including any fee(s) that may be required.

(F) **Final Action.** A decision on a coastal development administrative permit application shall not be deemed complete until:

- (1) The decision has been made and all required findings have been adopted, and
- (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.

(3) A decision on a coastal development administrative permit application for an ADU or JADU that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

(G) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

- (1) The applicant;
- (2) Any person who specifically requested, in writing, notice of such final action; and
- (3) The Coastal Commission.
- (4) The County Assessor.

(H) Effective Date. Decisions of the approving authority on an application for a development that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 25: A new Section 20.536.~~004010~~ is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.~~004010~~- Coastal Development Ministerial Permits.

(A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ~~accessory dwelling units-ADUs~~ that meet the requirements specified in Chapter 20.458.

- (B) **Approval Action.** ~~The Director or his/her designee may approve~~ **shall act on** a coastal development ministerial permit without the requirement of a public hearing. Any permit approved by the Director or his/her designee for an accessory dwelling unit located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.
- (C) **Noticing.** Notice that the Director or his/her designee intends to ~~approve~~ **act on** a coastal development ministerial permit shall be mailed at least ten (10) calendar days prior to issuance by first class mail to:
- (1) The applicant;
 - (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
 - (3) Any person who specifically requested, in writing, notice of such final action;
 - (4) The Coastal Commission; and
 - (5) The County Assessor.
- (D) **Content of Notice.** The notice shall contain the following information:
- (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The case file number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date on which the coastal development ministerial permit was approved; and
 - (6) If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, a full disclosure of the procedure(s) for Coastal Commission appeals, including any fee(s) that may be required.
- (E) **Final Action.** A decision on a coastal development ministerial permit application shall not be deemed complete until the decision has been made and all required findings have been adopted.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
- (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action;
 - (3) The Coastal Commission; and
 - (4) The County Assessor.
- (G) Effective Date. Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.010(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.**

Section 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.040015 - Coastal Development Permit Hearing and Notice Requirements.

- (A) **Purpose.** The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not ministerial, administrative or emergency permits.
- (B) **Hearing.** The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.
- (C) **Notice.** At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.
- (D) **Content of Notice.** The notice shall contain the following information:
 - (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date, time and place at which the application will be heard by the approving authority;
 - (6) A brief description of the general procedure concerning the conduct of hearing and local actions; and
 - (7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

- (E) **Final Action.** A decision on a coastal development permit application shall not be deemed complete until:
 - (1) The decision has been made and all required findings have been adopted, and
 - (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
 - (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action; and

- (3) The Coastal Commission.
- (4) The County Assessor.
- (G) **Effective Date.** Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.~~404015~~(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh day an appeal of the decision is filed as provided by Chapter 20.544.

Section 27: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.~~020025~~ - Application for Permit Amendment.

Any person holding a coastal development permit may apply for a permit amendment by complying with Section 20.532.025 (Application and Fee). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, the waiver or alteration of conditions imposed pursuant to Sections 20.532.030 through 20.532.055.

- (A) **Definition of Permit Amendment.** An amendment to a coastal development permit shall be processed in accordance with Section 20.532.025 when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit. When, in the opinion of the Director, a major revision constituting substantial alteration in the permit is requested, an amendment shall not be processed, and a new coastal development permit application must be made.

(B) Amendment to Ministerial Permits.

- (1) Amendments to ministerial permits may be approved by the Director or his/her designee based upon the same criteria and subject to the same reporting requirements and procedures as provided for issuance of ministerial permits in Section 20.536.~~004010~~.
- (2) If any amendment would, in the opinion of the Director or his/her designee, change the nature of the project so that it no longer meets the criteria established for treating the application as a ministerial permit pursuant to Section 20.536.~~004010~~, then the application shall thereafter be treated in the manner prescribed by Section 20.536.~~020025~~(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) Amendment to Administrative Permits.

- (1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.536.005.
- (2) If any amendment would, in the opinion of the Coastal Permit Administrator, change the nature of the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.532.015, then the application shall thereafter be treated in the manner prescribed by Section 20.536.~~020025~~(C)(2) dealing with amendments to permits other than administrative permits.

(C) Amendment to Permits other than Ministerial Permits and Administrative Permits.

- (1) The Director shall determine whether or not a proposed amendment is a material change to the approved permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.536.005(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment effective.
- (2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Chapter 20.532, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.536.040015.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.025030 - Renewal.

Section 20.536.030035 - Revocation or Modification by the County.

Section 20.536.035040 - Assignment of Permits.

Section 20.536.040045 - Reapplication.

Section 20.536.045050 - Nuisance.

Section 20.536.050055 - Notice to Assessor.

Section 20.536.055060 - Permits for Approval of Emergency Work.

Section 29: Section 20.544.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

- (A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department ~~except for decisions by the Director or his/her designee on exemptions and ministerial coastal development ministerial permits for accessory dwelling units ADUs and JADUs or by the Coastal Permit Administrator on coastal development administrative permits for ADUs and JADUs.~~ An administrative appeal may be made by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.544.015.
- (C) Notice shall be provided pursuant to Section 20.536.040015.

Section 30: Section 20.544.015 of the Mendocino County Code is hereby amended to read as follows:

Section 20.544.015 - Coastal Permit Administrator and Planning Commission Appeal

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator, **except for a decision on a coastal development administrative permit for an ADU or JADU**, or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.
- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable.

Resolution Number PC_2021-_____

County of Mendocino
Ukiah, California
October 7, 2021

GP_2018-0003/OA_2018-0009

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PROPOSED AMENDMENTS TO THE MENDOCINO COUNTY GENERAL PLAN COASTAL ELEMENT, CHAPTERS 3.2, 3.3, AND 3.9 AND MENDOCINO COUNTY CODE, CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, AND 20.544 RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, the County of Mendocino desires to amend its certified Local Coastal Program (LCP) to address the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) within the unincorporated areas of Mendocino County in the coastal zone; and

WHEREAS, the LCP amendment requires modifications to the Coastal Element of the Mendocino County General Plan and the Coastal Zoning Code (Mendocino County Code, Title 20, Division II); and

WHEREAS, the Mendocino County Planning Commission held a public hearing on July 18, 2019, heard and received all relevant testimony and evidence, and, at the conclusion of the public hearing, voted to recommend that the Board of Supervisors authorize submittal of the LCP amendment to establish regulations for accessory dwelling units; and

WHEREAS, on November 5, 2019, the Board of Supervisors of Mendocino County held a public hearing and adopted Resolution No. 19-378, which authorized the County to submit a LCP amendment application (LCP-1-MEN-20-0021-1) to the California Coastal Commission, consisting of amendments to the Coastal Element of the Mendocino County General Plan, and said application was accepted for filing by the Coastal Commission on March 30, 2020; and

WHEREAS, on September 9, 2021, the California Coastal Commission took action to certify the County's proposed LCP amendment with the incorporation of "suggested modifications" as recommended by Coastal Commission staff; and

WHEREAS, pursuant to Gov't. Code Sections 65354 and 65855, the Planning Commission is to provide its report and recommendation to the Board of Supervisors on general plan and zoning amendments; and

WHEREAS, the LCP amendment with suggested modifications (the "Project") consists of an amendment to the Coastal Element of the Mendocino County General Plan (GP_2018-0003) which is attached to this Resolution as Exhibit A and incorporated herein by reference, and an amendment to the Mendocino County Code, Title 20, Division II (OA_2018-0009), which is attached to this Resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, the legislature of the State of California has found that certain classes of projects are exempt from the California Environmental Quality Act, including, pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Gov't. Code Section 65852.1 or 65852.2 regulating the construction of dwelling units and accessory dwelling units; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 7, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the Project.

NOW, THEREFORE BE IT RESOLVED, based upon the evidence in the record, that the Planning Commission makes the following General Plan consistency findings:

1. The Housing Element of the General Plan contains the following policies related to Accessory Dwelling Units:
 - Policy 1.4 - Recognize that the different regions of the County have varying housing needs unique to the specific geographic regions.
 - Action 1.4b - Address issues associated with Vacation Home Rentals (VHRs) in residential communities to ensure safe and healthy housing opportunities are provided.
 - Policy 3.1 - Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
 - Policy 3.2 - Promote the development of ADUs.
 - Action 3.2a - Continue efforts around the development of ADUs and explore additional incentives to promote ADUs to help ensure RHNA progress. Continue to publicize the opportunities for and encourage the production of ADUs for full-time occupancy and encourage family care units. Create resource materials to better facilitate and guide prospective ADU construction.
2. The proposed Project is consistent with the 2009 Mendocino County General Plan, as well as the 2019-2027 Update to the Housing Element.
3. The proposed Project aligns with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission finds that the Project is not subject to CEQA pursuant to Public Resources Code Section 21087.17.

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, hereby recommends that the Board of Supervisors approve the Local Coastal Program amendment with suggested modifications per the California Coastal Commission's certification action taken on September 9, 2021, by adopting a resolution amending Chapters 3.2, 3.3 and 3.9 of the Coastal Element of the General Plan and by adopting an ordinance amending Mendocino County Code, Title 20, Division II, Chapters 20.308, 20.316, 20.456, 20.458, 20.472, 20.532, 20.536, and 20.544.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

IGNACIO GONZALEZ, Interim Director
Dept of Planning & Building Services

ALISON PERNELL, Chair
Mendocino County Planning
Commission

EXHIBIT A
COASTAL ELEMENT AMENDMENT (GP_2018-0003)

Modify LUP Policy 3.2-1 [located in LUP Chapter 3, Subchapter 3.2 (Agriculture)] **as follows:**

- 3.2-1 All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agriculture use. One housing unit will be allowed for each existing parcel. Additional dwellings for resident agricultural workers shall be considered as conditional uses, subject to the provisions of this plan. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence.

Modify LUP Policy 3.3-5 [located in LUP Chapter 3, Subchapter 3.3 (Forestry and Soils Resources)] **as follows:**

- 3.3-5 TPZ lands or parcels entirely occupied by timberlands of commercial size shall have not more than one housing unit per 160 acres; county review and approval is required for more than one dwelling per legally created parcel. Accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). Detached ADUs may only be permitted if located within an existing legally-authorized residential structure and/or clustered with the primary residence. Housing units on a timberland parcel, portions of which are not timberland, shall be subject to the density regulations prescribed for the land use shown on the Land Use Maps. Such housing units shall be located, when feasible, on non-Timberland soils.

Modify LUP Policy 3.9-1 [located in LUP Chapter 3, Subchapter 3.9 (Locating and Planning New Development)] **as follows:**

- 3.9-1 An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:
- each community's desired amount and rate of growth.
 - providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.

In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.

One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists, and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) may also be permitted consistent with standards established in the Implementation Plan (Mendocino County Code, Title 20, Division II). The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan

area shall be limited to five hundred (500) units. Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs shall be permitted. Any change to the caps on the maximum number of ADUs shall require a Local Coastal Program amendment. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

**EXHIBIT B
COASTAL ZONING CODE AMENDMENT (OA_2018-0009)**

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTERS 20.308, 20.316, 20.456, 20.458, 20.472,
20.532, 20.536, and 20.544 OF TITLE 20, DIVISION II OF THE MENDOCINO
COUNTY CODE AMENDING DEFINITIONS AND REGULATIONS RELATED TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

Section 1: Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.020 – Definitions (A).

- (A) "Access" means the permission, ability and means to enter and pass to and from property.
- (B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.
- (C) "Access, Coastal" means public rights-of-way to and along the sea.
- (D) "Access, Lateral" means a public accessway for public access and use along the shoreline.
- (E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.
- (F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except for "Accessory Living Units" and "Accessory Dwelling Units" as provided in Chapter 20.456 (Accessory Use Regulations) and Chapter 20.458 (Accessory Dwelling Units).
- (G) "Accessory Dwelling Unit" or "ADU" means an attached or detached residential dwelling in compliance with Chapter 20.458, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a proposed or existing single-family or multi-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).
- (~~G~~H) "Accessory Living Unit" means a detached bedroom as defined in Section 20.308.035(B), or a guest cottage as defined in Section 20.308.050(I), or an ADU as defined in Section 20.308.020(G), or a JADU as defined in Section 20.308.065(A).
- (~~H~~I) Accessory Structure. See Accessory Building.
- (~~J~~) "Accessory Use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (~~J~~K) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with these regulations, or who, by other appropriate means prior to action on a development permit or variance, informed the County of his or her concerns about the application for such permit and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- (~~K~~L) "Airport" means any area of land or water which is used or intended for use, for the landing and take-off of aircraft, and other appurtenant areas which are used or intended for use for airport

buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon.

- (~~LM~~) "Alley" means a public or private way used as a secondary means of access to abutting property or between two (2) streets.
- (~~MN~~) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, including any alteration in the boundaries of a zone, when adopted by ordinance and passed by the Board of Supervisors in the manner prescribed by law.
- (~~NO~~) "Anadromous Stream" means fresh water stream used as a migration corridor and spawning and nursery habitat by fish, such as salmon and steelhead trout, that live most of their lives in saltwater.
- (~~OP~~) "Animal Raising." See Light Agriculture.
- (~~PQ~~) "Animal Waste Processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.
- (~~QR~~) "Animals, Large" means cows, horses, sheep, goats, swine or similar bovine or equine animals.
- (~~RS~~) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals other than large animals.
- (~~ST~~) "Applicant" means the person, partnership, organization, corporation or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.
- (~~TU~~) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the Administration or enforcement of this Division.
- (~~UV~~) "Aquaculture means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.
- (~~VW~~) "Archaeological Site" means any area containing significant or important archaeological resources as defined in Appendix K Section EII of the California Environmental Quality Act (CEQA). Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological or paleontological site shall cease and desist from all further excavation within one hundred (100) feet of the discovery and notify the Director of the Department of Planning and Building Services in conformance with Mendocino County Code Chapter 22.12. See also Paleontological Site.
- (~~WX~~) "Area of Special Flood Hazard" (See "Special flood hazard area" Section 22.17.100).
- (~~XY~~) "Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, dumping or abandonment of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

Section 2: Section 20.308.035 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.035 – Definitions (D).

- (A) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot. ADUs and JADUs are not considered to be dwelling units for the purpose of density calculations.

- (B) "Detached Bedroom" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.456 (Accessory Use Regulations).
- (C) Detached Building. See Building, Detached.
- (D) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.
- (E) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.
- (F) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.
- (G) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.
- (H) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.
- (I) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership. A parcel with a single-family dwelling and an ADU and/or JADU is not considered to be a dwelling group.
- (J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

Section 3: Section 20.308.040 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.040 – Definitions (E).

- (A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to use, privilege or benefit over said property.
- (B) "Efficiency Kitchen" means a small food preparation area for a JADU that includes the following:
- (1) A cooking facility with appliances.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

- (~~BC~~) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- (~~CD~~) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (~~DE~~) "Endangered Species" means a species of animal or plant whose survival and reproduction in the wild are in immediate jeopardy from one (1) or more causes, including loss of habitat, change in habitat over-exploitation, predation, competition, disease, or other factors; or a species of animal or plant shall be presumed to be endangered as it is listed in (1) Sections 670.2 or 670.5, Title 14, California Administrative Code; or (2) Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as endangered.
- (~~EF~~) "Energy, Alternate" means alternate energy sources including energy from solar, wind, waves, biomass and cogeneration sources.
- (~~FG~~) "Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.
- (~~GH~~) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.
- (~~HI~~) "Estuary" means a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by freshwater runoff from the land.

Section 4: Section 20.308.065 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.065 – Definitions (J).

- (A) "Junior Accessory Dwelling Unit" or "JADU" is a living space not exceeding five hundred (500) square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU shall include a separate entrance from the main entry to the single-family dwelling, an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing single-family dwelling. See Chapter 20.458 (Accessory Dwelling Units).
- (~~AB~~) "Junk Yard" means any land, lot or portion thereof where there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Section 5: Section 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.308.075 - Definitions (L).

(A4) "Land Use Plan" means the relevant portions of a local government's general plan, or coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

(B2) Lateral Access. See Access, Lateral.

(C) "Legally Authorized Residential Structure" is a dwelling unit, accessory living unit or garage that either has been constructed with required permits and approvals from the California Coastal Commission and County of Mendocino or is a legal, non-conforming structure (see Section 20.308.050(D)).

(D3) "Living Area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

(E4) "Living Unit" means any building or vehicle designed or used for human habitation, including but not limited to a dwelling, accessory living unit, farm employee housing, farm labor camp, or mobile home.

(F5) Living Unit, Accessory. See Accessory Living Unit.

(G6) "Local Coastal Element" means that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to Division 20 of the Public Resources Code, or such additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

(H7) "Local Coastal Program" means a local government's (1) land use plans, (2) zoning codes, (3) zoning district maps, and (4) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this Division at the local level.

(I8) Lodging house. See Hotel.

(J9) "Lot" means a single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision map Act and recorded in the Mendocino County Recorder's office; or a parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. "Lot" shall also mean "parcel," but does not include road easements or right-of-way.

(K40) "Lot Area" means the total area, within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations for parcels zoned RR, SR, RV, FV, C, I and PF.

(L44) "Lot, Corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

(M42) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

(N43) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

(O44) "Lot Depth" means the horizontal distance of a straight line between the mid points of the front and rear lot lines.

(P45) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

(Q46) "Lot, Interior" means a lot other than a corner lot.

(R47) "Lot, Key" means an interior lot adjacent to a corner lot, the side lot of which is contiguous with the rear lot line of the corner lot.

(S48) "Lot Line" means any property line bounding a lot.

~~(119)~~ "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(220)~~ "Lot Line, Front" means the line separating the front of the lot from the street right-of-way. When a lot or buildings site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front line shall be the lot line that is nearest to the public street. In the case of a flag lot, the front lot line shall also include the lines, or portion of lines, on both sides of the strip of land that connects the lot with the street, the line that is closest to and generally parallel to the street right-of-way, and the line that is established by projecting the line that intersects the strip of land, across the strip of land. In the case of irregular frontage or access, the front lot line shall be determined by the Coastal Permit Administrator.

~~(324)~~ "Lot Line, Rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.

~~(422)~~ "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(523)~~ "Lot Line, Street" means any lot line abutting on a street.

~~(624)~~ "Lot Line, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

~~(T25)~~ Lot Size. See Lot Area.

~~(U26)~~ "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

~~(V27)~~ "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Division.

Section 6: Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Section 20.316.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.316.010 - Family Residential.

The Family Residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. ADUs and JADUs are considered an accessory use and are not counted as dwelling units for purposes of the Family Residential definition. The following are family residential use types:

- (A) **Family Residential: Single-Family.** The use of a parcel for only one (1) dwelling unit.
- (B) **Family Residential: Two-Family.** The use of a parcel for two (2) dwelling units within a single building.
- (C) **Family Residential: Multifamily.** The use of a parcel for three (3) or more dwelling units in one (1) building.
- (D) **Family Residential: Dwelling Groups.** The use of a parcel for more than one (1) but not more than four (4) single-family dwellings. On the Remote Residential, Agricultural, Range Land, Forest Land, and Timber Land Production Districts, open space easements or other methods may be required on all open space land not included in the residential development area. ADUs and JADUs are not permitted on parcels where a dwelling group is approved.
- (E) **Family Residential: Cluster Development.** The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a

site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.412 (Clustering Development Combining District). ADUs and JADUs are not permitted on parcels where a cluster development is approved.

- (F) **Family Residential: Boarding House.** The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, vacation home rental, or student/instructor temporary housing, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

Section 7: Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single-family residence:

- (A) **Private garages.**
- (B) **Children's playhouse, patios, porches, gazebos, etc.**
- (C) **Windmills.**
- (D) **Shops** (non-business purposes).
- (E) **Barns.**
- (F) **Private swimming pools and hot tubs** (not subject to setback requirements in the side or rear yards of any district).
- (G) **Accessory Living Unit.** Not more than one ~~accessory living unit~~ guest cottage or detached bedroom may be permitted on for each legal parcel. An ADU and/or a JADU may also be permitted, subject to the limitations established in Chapter 20.458.
- (H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except on properties with an ADU and/or a JADU where such use shall be prohibited.
- (I) **Day care center, family care home, or school,** for six (6) or less persons.
- (J) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (K) **Home Occupations.** Subject to Chapter 20.448.
- (L) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
- (M) **Accessory Parking.**
 - (1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.
 - (2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.
 - (3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.

- (4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.

As used in this subsection "large vehicle" shall mean vehicles of three-ton tare (unladen weight).

- (N) **Public Access.** The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.
- (O) **Other Necessary and Customary Uses.** Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

Section 8: The title of Chapter 20.458 of the Mendocino County Code is hereby amended to read as follows:

Chapter 20.458 - ~~SECOND RESIDENTIAL~~ ACCESSORY DWELLING UNITS

Section 9: Section 20.458.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.458.005 - Declaration.

The intent of this chapter is to regulate the creation of ~~second residential units~~ ADUs and JADUs in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 and Section 65852.22 of the California Government Code, as amended. Section 65852.2 and Section 65852.22 establish specific requirements for the regulation of ADUs and JADUs with the goal of increasing statewide availability of smaller, more affordable housing units. In accordance with Section 65852.2, ADUs and JADUs are not considered new residential units for the purpose of calculating residential density. This chapter is intended to protect coastal resources when regulating ADUs and JADUs in the Coastal Zone, while also complying with the standards in Section 65852.2 and Section 65852.22 to the greatest extent feasible.

Section 10: Section 20.458.010 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.010 - Prohibition.~~

~~The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply in the Town of Gualala Plan planning area and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.~~

Section 20.458.010 - Cap on Number of Accessory Dwelling Units.

The number of permitted ADUs within the Coastal Zone outside of the Gualala Town Plan area shall be limited to five hundred (500) units. JADUs are exempted from this cap.

Any change to the cap on the number of ADUs shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to modify the cap, a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in the Coastal Zone of Mendocino County.

Within the Gualala Town Plan area, a maximum of one hundred (100) ADUs may be permitted. JADUs are exempted from this cap. When this number has been reached, a review shall be conducted to determine if ADUs are meeting the intent of providing additional affordable housing and whether additional ADUs can be accommodated. Any change to the maximum number of ADUs in the Gualala Town Plan area shall require a Local Coastal Program amendment. Prior to a Local Coastal Program amendment to increase or remove the cap, the County shall provide information that demonstrates that the plan area has adequate water and sewer capacity for projected buildout and a traffic analysis shall be prepared to evaluate impacts associated with proposed ADU allowances and future growth on the capacity of State Route 1 in Gualala and the surrounding Coastal Zone area.

Section 11: Section 20.458.015 of the Mendocino County Code is hereby amended in its entirety to read as follows:

Sec. 20.458.015 – Findings.

~~Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.~~

~~Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.~~

~~Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.~~

~~When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:~~

- ~~(1) The adequacy of water, based upon the findings of the Coastal Groundwater Study;~~
- ~~(2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability;~~
- ~~(3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.~~

~~The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.~~

~~The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.~~

Section 20.458.015 - Permit.

ADUs or JADUs may be permitted in any zone that allows residential uses as a permitted or conditional use. ADUs or JADUs may be permitted in accordance with one of the following determinations:

- (A) Determined to be exempt from the requirement to obtain a coastal development permit pursuant to Section 20.532.020; or
- (B) Determined to meet the criteria for a coastal development ministerial permit pursuant to Section 20.532.015(B); or
- (C) Determined to require a coastal development permit pursuant to Section 20.532.015 (A).

Section 12: Section 20.458.020 of the Mendocino County Code is hereby amended in its entirety to read as follows:

~~Sec. 20.458.020 – Gualala Town Plan Second Residential Units.~~

~~Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential accessory dwelling units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.~~

- ~~(A) **Permit requirement.** A standard Coastal Development Permit shall be required for all second residential units.~~
- ~~(B) **Number of Second Residential Units.** Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, a maximum of one hundred (100) second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require a Local Coastal Program Amendment.~~
- ~~(C) **Permitted locations for Second Residential Units.**~~
 - ~~(1) Notwithstanding other provisions of the Local Coastal Program that limit the number of residences to one (1) per unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of one hundred (100). Second residential units shall not be permitted on parcels located west of Highway 1.~~
 - ~~(2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.~~
 - ~~(3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.~~
 - ~~(4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.~~
- ~~(D) **Specific Standards for Second Residential Units.**~~
 - ~~(1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence but may be rented for long-term occupancy.~~
 - ~~(2) On parcels that are less than ½ (0.5) acre in size, second residential units shall be attached to the primary residence or as a second story to a detached garage.~~

- ~~(3) Detached second residential units shall be restricted to a maximum size of nine hundred sixty (960) square feet.~~
- ~~(4) Attached second residential units shall be restricted to a maximum size of five hundred (500) square feet.~~
- ~~(5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.~~
- ~~(6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~
- ~~(7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.~~

Section 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

ADUs and JADUs shall conform to the following standards:

- (A) An ADU or JADU shall only be permitted on a parcel that either contains an existing or proposed single-family dwelling. A proposed single-family dwelling means a dwelling that is the subject of a coastal development permit or Categorical Exclusion application and that meets the requirements for permitting. A ministerial or administrative coastal development permit application for an ADU or JADU submitted with the permit application for the proposed single-family dwelling shall be acted on after the application for the proposed single-family dwelling has been acted on and all appeal periods have ended. A certificate of occupancy for an ADU shall not be issued before the certificate of occupancy is issued for the primary dwelling.
- (B) An ADU may be attached to the single-family dwelling or located in a detached, separate structure.
- (C) An existing legally-authorized accessory structure, accessory living unit or family care unit may be converted into an ADU consistent with the provisions of this Chapter.
- (D) Where a dwelling group or parcel clustering is approved, no ADU or JADU shall be allowed.
- (E) ADUs and JADUs may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26.
- (F) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:
 - (1) In the coastal zone, on a property with an ADU and/or JADU, use of an ADU or JADU or any dwelling for transient habitation shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.
 - (2) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include (a) the prohibition on the use of any dwelling for transient habitation and (b) for ADUs and JADUs proposed within 125 feet of the bluff edge that require the construction of a new structure, result in an expansion of an existing structure, or require repair or

improvements to an existing structure to the extent that it constitutes a replacement structure pursuant to section 13252 of Title 14, California Administrative Code, a prohibition on the development of bluff or shoreline protective devices to protect the ADU or JADU from bluff retreat, erosion, or other coastal hazards in the future. The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.

Section 13: A new Section 20.458.025 is added to the Mendocino County Code as follows:

Section 20.458.025 - Specific Standards for Accessory Dwelling Units.

ADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that do not allow multi-family residential uses, an ADU shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit, but not including a JADU) is located on the parcel, or if there currently exists more than one guest cottage or detached bedroom on the parcel.
- (B) On properties with zoning classifications that allow multi-family residential units (i.e., Commercial, Suburban Residential, Gualala Village Mixed Use, Gualala Highway Mixed Use, or Gualala Planned Development) and which have existing two-family or multifamily dwelling structures, at least one ADU shall be allowed within an existing two-family or multifamily structure. Multiple ADUs up to 25 percent of the existing multifamily dwelling units may be allowed if each ADU complies with State building standards for dwellings. No more than two detached ADUs shall be permitted on a parcel with an existing multifamily dwelling.
- (C) In the coastal zone outside of the Gualala Town Plan area, on properties with zoning classifications that allow multi-family residential units which have an existing single-family dwelling, an ADU and a JADU may be allowed, in addition to a guest cottage and/or detached bedroom.
- (D) ADUs shall conform to height, setback, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:
 - (1) An existing legally-authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
 - (2) A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.
- (E) ADUs are subject to the following floor area limitations:
 - (1) For a detached ADU, total floor space may not exceed 1,200 square feet.
 - (2) For an attached ADU, total floor space may not exceed 1,200 square feet or 50 percent of the floor space of the existing or proposed single-family dwelling, whichever is less. In no instance shall the floor space of an attached ADU be restricted to less than 1,000 square feet for an attached ADU that provides more than one bedroom or less than 850 square feet for an attached ADU that provides one or less bedroom.
- (F) See Section 20.458.035 for additional and more restrictive standards for ADUs on properties within the Gualala Town Plan area.

Section 14: A new Section 20.458.030 is added to the Mendocino County Code as follows:

Section 20.458.030 - Specific Standards for Junior Accessory Dwelling Units.

JADUs are subject to the following specific standards and criteria:

- (A) In the coastal zone outside of the Gualala Town Plan area, a JADU may be allowed on a legal parcel in addition to one single-family dwelling, an ADU, and a maximum of one other accessory living unit (i.e., detached bedroom or guest cottage).
- (B) After January 1, 2025, a JADU may only be established when either the single-family residence in which the JADU is created or the JADU will be occupied by the owner of the residence.
- (C) No more than one JADU may be located on a parcel.
- (D) A JADU must be contained entirely within a legally-authorized single-family dwelling and total floor space may not exceed 500 square feet.
- (E) A JADU may be located within an existing legally-authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
- (F) A separate entrance to the JADU shall be provided.
- (G) A JADU may share a bath with the single-family dwelling or have its own bath.
- (H) A JADU is required to include an efficiency kitchen as defined in Section 20.308.040(B).
- (I) For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
- (J) Prior to obtaining a building permit for a JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU including, but not limited to, the prohibition on use of the unit for transient habitation, restrictions on size, and prohibition on sale separate from the sale of the single-family dwelling, which shall run with the land, and be binding upon any future owners, heirs, or assigns.
- (K) See Section 20.458.035 for additional and more restrictive standards for JADUs on properties within the Gualala Town Plan area.

Section 15: A new Section 20.458.035 is added to the Mendocino County Code as follows:

Section 20.458.035 - Specific Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in the Gualala Town Plan Area.

ADUs and JADUs in the Gualala Town Plan area are subject to all of the standards and requirements of this Chapter in addition to the following more restrictive standards:

- (A) An ADU or JADU may not be permitted on parcels where there is more than one (1) dwelling unit (including temporary family care unit) or a guest cottage or detached bedroom.
- (B) ADUs or JADUs are prohibited on parcels that are located west of State Route 1.
- (C) On parcels that are less than one-half (0.5) acre in size, ADUs shall be required to be attached to the primary residence or as a second-story to a detached garage.

Section 16: A new Section 20.458.040 is added to the Mendocino County Code as follows:

Section 20.458.040 - Public Health and Safety Requirements.

- (A) ADUs and JADUs shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the single-family dwelling.
- (B) The Division of Environmental Health shall review and approve the availability and adequacy of the water system for all ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. An adequate water supply must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU.
- (C) The Division of Environmental Health shall review and approve the availability and adequacy of the sewage disposal system for all ADUs and any JADUs that are not exempt from CDP requirements pursuant to Section 20.532.020(G) and result in the creation of additional bedrooms. Adequate sewage capacity must be available to serve the proposed new residence as well as existing residences on the property. If the property is located in a service district, the property owner must provide written approval from the service district specifically authorizing the connection of the ADU.
- (D) For ADUs, a preliminary clearance letter from CalFire shall be required for all ADUs on properties within a State Responsibility Area (SRA). For properties within a Local Responsibility Area, a letter shall be required from the local fire district indicating that all fire safety requirements can be satisfied. A letter from the local fire district shall also be required for properties within an SRA if the local fire district requests that ADU applications be referred for review and approval.
- (E) ADUs are prohibited in areas designated as Floodplain ("FP") Combining District and/or designated special flood hazard areas which are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Section 17: A new Section 20.458.045 is added to the Mendocino County Code as follows:

Section 20.458.045 - Coastal Resource Protections.

All ADUs shall comply with the following requirements for the protection of coastal resources; JADUs shall comply where applicable:

- (A) ADUs and JADUs may not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area unless contained entirely within a legally authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU (well, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) must also be located more than 100 feet from the boundary of an Environmentally Sensitive Habitat Area. An exception to these requirements may be authorized through the administrative coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.496.
- (B) ADUs and JADUs may not be located within 125 feet of the edge of a coastal bluff unless contained entirely within a legally-authorized existing or approved residential structure that will not be repaired or improved to the extent that it constitutes a replacement structure under section 13252 of Title 14, California Administrative Code. All new development associated with an ADU or JADU must also be located more than 125 feet from the edge of a coastal bluff. An exception to these requirements may be authorized through the administrative coastal development permit process where the development is consistent with the standards established in Chapter 20.500.

- (C) An ADU may not be located within a Highly Scenic Area unless the ADU would be permanently and entirely blocked from view from all public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. An exception to this requirement may be authorized through the administrative coastal development permit process in circumstances where the development is consistent with the standards established in Chapter 20.504. ADUs located outside of Highly Scenic Areas that are visible from a public viewpoint shall be of a similar architectural style, building materials and colors as the primary residences on the property.
- (D) An ADU may not be permitted if the total amount of grading associated with construction of the ADU is more than 20 cubic yards. An exception to this requirement may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the grading is consistent with the standards established in Chapter 20.492.
- (E) The following standards are established for the protection of agricultural and timber resources in the Coastal Zone:
- (1) On parcels zoned AG, RL, FL or TPZ, a detached ADU may only be permitted, if it is setback no greater than 100 feet from the existing or proposed legally-authorized primary residence and relies on the primary residence's driveway or another legally-authorized existing driveway. An ADU established within a legally-authorized residential structure existing as of the effective date of the ordinance establishing these requirements is exempt from these requirements.
 - (2) On parcels zoned AG or RL, an ADU may not be located on land designated "Prime Agricultural Land." On parcels zoned AG or RL, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for agriculture. An exception to these requirements may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the applicant can demonstrate, through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2) and (B), as applicable, that the ADU will not impact the long-term productivity of the agricultural land and that the ADU is compatible with the commercial growing and harvesting of timber.
 - (3) On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no major vegetation removal or harvesting is necessary. On parcels zoned FL or TPZ, development associated with ADUs and JADUs (wells, water storage, septic improvements, parking and driveways, vegetation removal for fire safety, etc.) shall not encroach beyond the existing residential development footprint onto lands suitable for timber production. An exception to these requirements may be authorized through the administrative coastal development permit process, as applicable, in circumstances where the applicant can demonstrate, through consistency with the Supplemental Findings contained in Section 20.532.100(A)(2), that the ADU will not impact the long-term productivity of soils and timberlands and that the ADU is compatible with the commercial growing and harvesting of timber.
- (F) An ADU may not be permitted in a residential area on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally-authorized residence and does not extend further into the setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-conforming use.
- (G) An ADU may not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.

- (H) An ADU may not be permitted in an area designated as Development Limitations ("DL") Combining District and/or Seismic Study ("SS") Combining District unless a report, prepared by a licensed engineer can demonstrate that the proposed development is consistent with the standards established in Chapter 20.416, and Chapter 20.432, respectively.
- (I) ADUs may not be permitted on a property with known archaeological resources unless an administrative coastal development permit is applied for and received and where reasonable mitigation measures shall be employed to protect archaeological resources.

Section 18: A new Section 20.458.050 is added to the Mendocino County Code as follows:

Section 20.458.050 - Parking Requirements.

The following requirements and standards for off-street parking shall apply to ADUs and JADUs:

- (A) No additional parking is required for a JADU.
- (B) ADUs which meet any one of the following criteria are exempt from the parking requirements in this section:
 - (1) Located within one-half mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule.
 - (2) Located within one block of a car share parking spot.
 - (3) Located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property.
 - (4) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.
 - (5) Located within a designated historic district.
- (C) One parking space is required per ADU and the space may be provided through tandem parking.
- (D) Parking for ADUs is allowed in front, rear and side setback areas.

Section 19: Section 20.472.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.472.015 - Residential.

- (A) Single-family detached dwelling or mobile home: two (2) parking spaces.
- (B) Duplex: two (2) parking spaces for each unit.
- (C) Multiple-family/apartment/condominiums: one (1) parking space up to one (1) bedroom, one and one-half (1.5) parking spaces for two (2) bedrooms, two (2) parking spaces per unit for three (3) or more bedrooms.
- (D) Mobile home parks: two (2) parking spaces for each mobile home space.
- (E) ADU: one (1) parking space per unit. See Chapter 20.458 (Accessory Dwelling Units).
- (F) JADU: no parking required. See Chapter 20.458 (Accessory Dwelling Units).

Section 20: Section 20.532.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

(A) **Coastal Development Administrative Permit.** The purpose of a Coastal Development Administrative Permits is to provide for the administrative issuance of coastal development permits. The Coastal Permit Administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit, except for ADUs and JADUs as specified in Section 20.458.045.

- (1) Any single-family residence that is a principal permitted use within the zoning district in which the development site is located;
- (2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;
- (3) Improvements to an existing structure;
- (4) Any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land;
- (5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.
- (6) Any ADU or JADU that meets all of the requirements for a coastal development ministerial permit except for the objective requirements established in Section 20.458.045 and for which an exception to those requirements may be granted through the coastal development administrative permit process. A coastal development administrative permit for an ADU and/or JADU is not appealable to the Board of Supervisors but may be appealable to the Coastal Commission.

(B) Coastal Development Ministerial Permit. The purpose of a coastal development ministerial permit is to provide for the administrative issuance of coastal development permits for ADUs which comply with the objective requirements specified in Section 20.458.045. Coastal development ministerial permits may be approved by the Director or his/her designee. Approval of a coastal development ministerial permit requires findings of consistency with Chapter 20.458 as well as the required and supplemental findings specified in Sections 20.532.095 and 20.532.100, as applicable. A public hearing is not required for coastal development ministerial permits and they are not appealable to the Board of Supervisors. For development located within the appeal jurisdiction of the California Coastal Commission, coastal development ministerial permits are appealable to the Coastal Commission.

(BC) Coastal Development Use Permit. A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.

(CD) Coastal Development Variance. Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.

(DE) Coastal Development Standard Permit. A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

Section 21: Section 20.532.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.020 - Exemptions.

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;
- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter;
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure;
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten percent (10%), restoration is started within one (1) year of the destruction, and the structure conforms to this Division;
- (G) ADUs, JADUs and associated physical development may be exempted from this Chapter when such development is found to be consistent with subsection (C), above.

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Section 22: Section 20.532.045 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.045 - Authority to Act on Coastal Development Permit.

Upon completion of project review and evaluation, the action to approve, conditionally approve, or deny a coastal development permit shall be taken by:

- (A) The Director or his/her designee in the case of coastal development ministerial permits;
- (B) The Coastal Permit Administrator in the case of coastal development standard permits for principal permitted uses and coastal development administrative permits; and by
- ~~(C) The Planning Commission in the case of coastal development permits for conditional uses permits and divisions of land.~~

~~When a coastal development standard permit is required, action to approve, conditionally approve or deny a standard development permit shall be taken by the Director or his designee.~~

Section 23: Section 20.532.055 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.532.055- Time Periods.

- (A) For all applications except for applications to create an ADU or JADU, ~~within~~ one hundred eighty (180) days of filing of a complete application for a coastal development permit, the Director, Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department.
- (B) For applications to create an ADU or JADU, action shall be taken within sixty (60) days of filing of a complete application for a coastal development permit exemption, Categorical Exclusion or coastal development permit. The 60-day time period for acting on a complete application for an ADU or JADU submitted with a permit application for a proposed single-family dwelling shall not commence until after the application for the single-family dwelling has been acted on and all appeal periods have ended.
- (C) If the Director, Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, ~~the application shall be deemed to have been approved.~~ the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures.
- (D) Failure to act – notice.
Notification by Applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
- Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950—65957.1 or Government Code Section 65852.2 for an ADU or a JADU have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.544.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.
- (E) When an application for a coastal development permit has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D) or, for coastal development ministerial permits, the notice requirements of Section 20.536.010(C).

Section 24: Section 20.536.005 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.536.005- Coastal Development Administrative Permits.

- (A) **Purpose.** The purpose of this section is to provide for the administrative issuance of coastal development permits for those types of development projects specified in Section 20.532.015 and emergency permits as provided for in Section 20.536.055.
- (B) **Approval Action.** The Coastal Permit Administrator ~~may shall~~ administratively approve, ~~or~~ conditionally approve, or deny a coastal development administrative permit without the requirement of a public hearing. Any permit approved administratively by the Coastal Permit Administrator, except for permits for ADUs and/or JADUs, shall contain a statement that the permit will not be effective until it has been reported to and reviewed by the Board of Supervisors.
- (C) **Reporting.** With the exception of a coastal development administrative permit for an ADU or JADU, A coastal development administrative permit approved by the Coastal Permit Administrator shall be available on the agenda of the Board of Supervisors at its next available meeting after the permit has been approved. The Coastal Permit Administrator shall report in writing to the Board at each meeting the permits approved under this section, with sufficient description of the work authorized to allow the Board to understand the development proposed to be undertaken. If, at the meeting, at least one (1) member of the Board so requests, the permit issued shall not go into effect and the application shall be processed in accordance with Section 20.536.010.
- (D) **Noticing.** Notice that the Coastal Permit Administrator intends to approve act on a coastal development administrative permit for an ADU or JADU shall be mailed at least ten (10) calendar days prior to issuance. Notice that the Coastal Permit Administrator will report proposed issuance of the coastal development administrative permit to the Board of Supervisors shall be mailed at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:
- (1) The applicant;
 - (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
 - (3) All persons who have requested to be on the mailing list for that development project;
 - (4) All persons who have furnished self-addressed and stamped envelopes and requested to be on the mailing list for development located within the Coastal Zone boundaries; and
 - (5) The Coastal Commission.
- (E) **Content of Notice.** The notice shall contain the following information:
- (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The case file number assigned to the application;

- (4) A description of the development and its proposed location;
- (5) If the permit is for an ADU or JADU, the date upon which the coastal development administrative permit will be acted on;
- (56) If the permit will be reported to the Board of Supervisors, the date, time and place at which the application will be reported to the Board;
- (67) A brief description of the general procedure concerning the conduct of ~~hearing and~~ local actions, including procedures for submission of public comment prior to the decision, and identification of a comment period of sufficient time to allow for submission of comments by mail prior to the decision;
- (78) A full disclosure of the procedure(s) for local and Coastal Commission appeals, if such appeals are available, including any fee(s) that may be required.

(F) Final Action. A decision on a coastal development administrative permit application shall not be deemed complete until:

- (1) The decision has been made and all required findings have been adopted, and
- (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.
- (3) A decision on a coastal development administrative permit application for an ADU or JADU that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

(G) Notice of Final Action. Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

- (1) The applicant;
- (2) Any person who specifically requested, in writing, notice of such final action; and
- (3) The Coastal Commission.
- (4) The County Assessor.

(H) Effective Date. Decisions of the approving authority on an application for a development that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 25: A new Section 20.536.010 is hereby added to the Mendocino County Code to read as follows:

Sec. 20.536.010- Coastal Development Ministerial Permits.

- (A) **Purpose.** The purpose of this section is to provide for the ministerial issuance of coastal development permits for ADUs that meet the requirements specified in Chapter 20.458.
- (B) **Action.** The Director or his/her designee shall act on a coastal development ministerial permit without the requirement of a public hearing. Any permit approved by the Director or his/her designee for an accessory dwelling unit located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.
- (C) **Noticing.** Notice that the Director or his/her designee intends to act on a coastal development ministerial permit shall be mailed at least ten (10) calendar days prior to issuance by first class mail to:
- (1) The applicant;
 - (2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;
 - (3) Any person who specifically requested, in writing, notice of such final action;
 - (4) The Coastal Commission; and
 - (5) The County Assessor.
- (D) **Content of Notice.** The notice shall contain the following information:
- (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The case file number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date on which the coastal development ministerial permit was approved; and
 - (6) If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, a full disclosure of the procedure(s) for Coastal Commission appeals, including any fee(s) that may be required.
- (E) **Final Action.** A decision on a coastal development ministerial permit application shall not be deemed complete until the decision has been made and all required findings have been adopted.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
- (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action;
 - (3) The Coastal Commission; and
 - (4) The County Assessor.

(G) Effective Date. Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.010(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the coastal permit.

Section 26: Section 20.536.010 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.010015 - Coastal Development Permit Hearing and Notice Requirements.

- (A) **Purpose.** The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not ministerial, administrative or emergency permits.
- (B) **Hearing.** The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.
- (C) **Notice.** At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.
- (D) **Content of Notice.** The notice shall contain the following information:
 - (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The number assigned to the application;
 - (4) A description of the development and its proposed location;
 - (5) The date, time and place at which the application will be heard by the approving authority;
 - (6) A brief description of the general procedure concerning the conduct of hearing and local actions; and
 - (7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

- (E) **Final Action.** A decision on a coastal development permit application shall not be deemed complete until:
- (1) The decision has been made and all required findings have been adopted, and
 - (2) When all local rights of appeal have been exhausted in accordance with Chapter 20.544.
- (F) **Notice of Final Action.** Notice shall be mailed within ten (10) calendar days of final action by first class mail to:
- (1) The applicant;
 - (2) Any person who specifically requested, in writing, notice of such final action; and
 - (3) The Coastal Commission.
 - (4) The County Assessor.
- (G) **Effective Date.** Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.536.404015(D) and Section 20.532.095(B)(1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh day an appeal of the decision is filed as provided by Chapter 20.544.

Section 27: Section 20.536.020 of the Mendocino County Code is hereby renumbered and amended to read as follows:

Sec. 20.536.020025 - Application for Permit Amendment.

Any person holding a coastal development permit may apply for a permit amendment by complying with Section 20.532.025 (Application and Fee). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, the waiver or alteration of conditions imposed pursuant to Sections 20.532.030 through 20.532.055.

- (A) **Definition of Permit Amendment.** An amendment to a coastal development permit shall be processed in accordance with Section 20.532.025 when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit. When, in the opinion of the Director, a major revision constituting substantial alteration in the permit is requested, an amendment shall not be processed, and a new coastal development permit application must be made.

(B) Amendment to Ministerial Permits.

- (1) Amendments to ministerial permits may be approved by the Director or his/her designee based upon the same criteria and subject to the same reporting requirements and procedures as provided for issuance of ministerial permits in Section 20.536.010.
- (2) If any amendment would, in the opinion of the Director or his/her designee, change the nature of the project so that it no longer meets the criteria established for treating the application as a ministerial permit pursuant to Section 20.536.010, then the application

shall thereafter be treated in the manner prescribed by Section 20.536.025(C)(2) dealing with amendments to permits other than ministerial and administrative permits.

(B) Amendment to Administrative Permits.

- (1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.536.005.
- (2) If any amendment would, in the opinion of the Coastal Permit Administrator, change the nature of the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.532.015, then the application shall thereafter be treated in the manner prescribed by Section 20.536.020025(C)(2) dealing with amendments to permits other than administrative permits.

(C) Amendment to Permits other than Ministerial Permits and Administrative Permits.

- (1) The Director shall determine whether or not a proposed amendment is a material change to the approved permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.536.005(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment effective.
- (2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Chapter 20.532, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.536.040015.

Section 28: Sections 20.536.025 through Section 20.536.055 of the Mendocino County Code are hereby renumbered as follows:

Section 20.536.025030 - Renewal.

Section 20.536.030035 - Revocation or Modification by the County.

Section 20.536.035040 - Assignment of Permits.

Section 20.536.040045 - Reapplication.

Section 20.536.045050 - Nuisance.

Section 20.536.050055 - Notice to Assessor.

Section 20.536.055060 - Permits for Approval of Emergency Work.

Section 29: Section 20.544.010 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.544.010 - Administrative Appeals.

- (A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department except for decisions by the Director or his/her designee on exemptions and coastal development ministerial permits for ADUs and JADUs or by the Coastal Permit Administrator on coastal development administrative permits for ADUs and JADUs. An administrative appeal may be made by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.544.015.
- (C) Notice shall be provided pursuant to Section 20.536.040015.

Section 30: Section 20.544.015 of the Mendocino County Code is hereby amended to read as follows:

Section 20.544.015 - Coastal Permit Administrator and Planning Commission Appeal

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator, except for a decision on a coastal development administrative permit for an ADU or JADU, or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.
- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable.

Mendocino County Planning Commission

LCP Amendment for Accessory Dwelling Units

GP 2018-0003 – Coastal Element of General Plan

OA 2018-0009 – Title 20, Division II, Coastal Zoning Code

Public Hearing: October 7, 2021



LOCAL COASTAL PROGRAM AMENDMENT – Accessory Dwelling Units

BACKGROUND

- July 18, 2019 – Planning Commission reviewed draft amendments to Local Coastal Program (LCP) to allow ADUs throughout the coastal zone
- November 5, 2019 – Board of Supervisors authorized submittal of LCP amendment application to California Coastal Commission
- March 16, 2020 – Coastal Commission certified LCP amendment with “suggested modifications”



PURPOSE OF PLANNING COMMISSION HEARING

Consider adoption of Resolution recommending that Mendocino County Board of Supervisors adopt LCP amendment comprised of General Plan amendment GP_2018-0003 and Coastal Zoning Code amendment OA_2018-0009 with revisions incorporating Coastal Commission's "suggested modifications"



OBJECTIVES OF LCP AMENDMENT

- Create opportunity for development of ADUs (and JADUs) in coastal zone to increase stock of affordable housing.
- To the extent feasible, mirror the County's inland ADU regulations.
- Protect coastal resources and satisfy Coastal Commission concerns while allowing for development of as many ADUs as possible.
- Establish as simple a permitting process as possible.
- Per State law, establish a Coastal Development Permit (CDP) process for ADUs that does not require a public hearing.



COASTAL ELEMENT AMENDMENT

COASTAL COMMISSION MODIFICATIONS:

- On agricultural and timber lands – ADUs must be clustered with primary residence or located within existing legally-authorized residential structure.
- Added reference to caps on number of ADUs (500 ADUs throughout coastal zone, plus 100 in Gualala Town Plan area)



COASTAL ZONING CODE AMENDMENT

COUNTY-REQUESTED MODIFICATIONS:

- Clarification/minor corrections
- Update for consistency with new ADU laws that took effect on January 1, 2020
 - modify efficiency kitchen definition
 - add language addressing multifamily dwellings
 - delete lot coverage limitations; modify size limitations
 - clarify that owner-occupancy requirement on parcels with JADU will take effect after January 1, 2025



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.010: Require analysis of water and sewer capacity (in addition to State Route 1 capacity) prior to modification of 100 ADU cap in Gualala Town Plan area.
- Section 20.458.020(F)(1): On properties with an ADU or JADU, none of the dwelling units may be used for transient habitation.
- Section 20.458.045(C): Ministerially-approved ADUs in Highly Scenic Areas must be "permanently and entirely blocked from view."



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.045(E): Detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) can be setback no more than 100 feet from the existing or proposed primary residence.
- Development associated with ADUs (wells, water storage, septic, parking, driveways, vegetation removal, etc.) must be clustered within “existing residential development footprint.”
- ADUs in "legally-authorized residential structure existing as of the effective date of the ordinance" are exempted from clustering requirement.



COASTAL ZONING CODE AMENDMENT

SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Sections 20.532.015(A) and 20.536.005: Administrative CDP process established for ADU applications that request exception(s) to the objective standards established in Section 20.458.045. No appeal to BOS; may be appealable to Coastal Commission.
- Section 20.532.055: Clarification added regarding the 60-day time period for acting on a ministerial or administrative CDP for an ADU and/or JADU including “Failure to act” language.



CHECKLIST REQUIREMENTS FOR MINISTERIAL CDP FOR ADUs:

- ✓ >100' from edge of an Environmentally Sensitive Habitat Area.
- ✓ >125' from edge of coastal bluff (except if within existing permitted structure).
- ✓ If in designated Highly Scenic Area, not visible from public road, trail, beach, park, waters used for recreational purposes.
- ✓ Less than 20 cubic yards of grading.
- ✓ Consistent with policies for protection of agricultural and timber resources.



OTHER ADU REQUIREMENTS

- ✓ No more than one other “accessory living unit” on parcel.
- ✓ Must conform to height limits, setbacks, parking requirements, and other development standards.
- ✓ Floor area limitations for detached ADU: 1,200 SF.
- ✓ Floor area limitations for attached ADU: 1,200 SF or no more than 50% of existing dwelling.



OTHER ADU REQUIREMENTS

- ✓ Division of Environmental Health sign-off on water and septic.
- ✓ CalFIRE and local Fire District preliminary clearance letter.
- ✓ Prohibited in special flood hazard areas.
- ✓ ADUs/JADUs prohibited on parcels west of SR 1 in Gualala Town Plan area (per existing Gualala Town Plan).
- ✓ VHRs prohibited on properties with an ADU and/or JADU.



PROCESS & TIMEFRAMES FOR LCP AMENDMENT

- Planning Commission hearing and review of Coastal Commission-approved amendment; recommendation to BOS – *October 2021*
- Board of Supervisors adoption of LCP Amendment (GP 2018-0003 and OA 2018-0009) – *November 2021*
- Coastal Commission “Executive Director check-off” confirming that final action of Board of Supervisors is consistent with Coastal Commission’s certification of LCP Amendment & report to Coastal Commission – *February 2022*



RECOMMENDED ACTION

Adopt resolution recommending that Board of Supervisors approve Local Coastal Program amendment comprised of General Plan amendment GP_2018-0003 and Coastal Zoning Code amendment OA_2018-0009 to establish regulations for ADUs and JADUs in the coastal zone of Mendocino County.

